

STATE OF CALIFORNIA

MEETING OF THE

CALIFORNIA INSPECTION & MAINTENANCE REVIEW

COMMITTEE

WEBCAST

Tuesday, June 28, 2005

California Air Resources Board

1001 I Street, Coastal Hearing Room

Sacramento, California

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**MEMBERS PRESENT:**

VICTOR WEISSER, CHAIR  
TYRONE BUCKLEY  
JOHN HISSERICH  
BRUCE HOTCHKISS  
JUDITH LAMARE  
ROBERT PEARMAN  
JEFFREY WILLIAMS

**MEMBERS ABSENT:**

PAUL ARNEY  
DENNIS DeCOTA  
GIDEON KRACOV

**ALSO PRESENT:**

ROCKY CARLISLE, Executive Officer  
JANET BAKER, Administrative Staff

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1 The video tapes will show up at your local Blockbuster  
2 store, never.

3 Do we have a mechanism for people who might be  
4 watching the webcast, Rocky, to call in or email in?

5 MR. CARLISLE: We have been unable to get a  
6 conference phones but we do have email availability.

7 CHAIR WEISSER: And what's the email address?

8 MR. CARLISLE: If they email it to  
9 rocky\_carlisle@dca.ca.gov, we'll get it and we'll be  
10 able to display it.

11 - oOo -

12 CHAIR WEISSER: Very good. We'll move then to the  
13 executive officer's activity report.

14 MR. CARLISLE: Well, thank you, Mr. Chairman,  
15 members of the Committee. Several things we've done  
16 this month. First of all, some of the documents we  
17 completed and got out of the office was, one, the issue  
18 paper regarding AB386. That was finalized and approved  
19 at the last meeting. It was distributed to all  
20 interested parties, the Administration, and also to  
21 Assembly Woman Lieber's office, and it's also been  
22 posted on the website if anybody wants to look at it.

23 We also developed a pre-conditioning survey. We  
24 discussed it last month but I went through and redid it  
25 so it flowed a little bit better and I've distributed

1 it to the Committee members and hopefully we can get  
2 that approved for finalization.

3 The consumer information survey, Jude and I worked  
4 on the draft of that and you have a copy before you.  
5 While it's about 30 some odd pages, there's not near  
6 that many pages of text, a lot of it is the survey  
7 results.

8 And finally, I also completed a scope of work for  
9 program avoidance which you have in your packet, and  
10 the difficulty with that I'll discuss later, but there  
11 – that's kind of a sensitive issue because when we talk  
12 about program avoidance we're talking about people that  
13 avoid getting their vehicles registered, so we'll want  
14 to talk about how we can kind of soften that survey  
15 contact, if you will.

16 We also sent a letter of support to Assembly Woman  
17 Horton's office regarding 578. That's the bill that  
18 requires a public meeting if the directed vehicle  
19 population is going to be either increased or  
20 decreased.

21 We sent a copy of the letter supporting AB383 to  
22 the Senate Transportation Committee. That's the one  
23 that's going to change the CAP qualification.

24 I also checked the request from last month,  
25 checked with BAR regarding more specific cut points.

1 There's a document from Sierra Research. I did contact  
2 Wayne Brumette, and we were just discussing that that  
3 report has been reviewed by engineering, it is in one  
4 of the deputy chief's office and he will be getting  
5 back to us on the status of when we'll be able to get  
6 that report. And that's essentially one of the program  
7 evaluation points we're looking at.

8 We also obtained additional information from the  
9 legislative data center regarding the DMV dataset.  
10 Jeffrey and I have been working on that. There was  
11 some missing information to define what some of the  
12 fields meant and how to handle them, so we've got that  
13 now.

14 I also contacted David Howell from Strategica with  
15 regard to an update from that company. That is the  
16 company, as you recall, that's doing the enforcement  
17 monitoring survey at the Bureau of Automotive Repair.  
18 He suggested possibly in August, for our August meeting  
19 he could do a presentation. That would give him a  
20 chance to get more of an update together for us.

21 And finally, not a real big deal, but I did order  
22 some additional software and additional memory, not for  
23 me but for the computer, because some of these datasets  
24 are just so large. The last one I tried to import, my  
25 computer just froze up. So hopefully by the end of



1 next month I'll have that memory and we'll be able to  
2 do a little more work on it.

3 And that concludes my report.

4 CHAIR WEISSER: It sounds like your computer has  
5 contracted Jeffrey Williams disease.

6 - oOo -

7 In any event, what I failed to do at the beginning  
8 of the meeting was to ask my stalwart companions up  
9 here to introduce themselves, so I'd like to do that  
10 now starting with Tyrone.

11 MEMBER BUCKLEY: Tyrone Buckley.

12 MEMBER LAMARE: Jude Lamare.

13 MEMBER WILLIAMS: Jeffrey Williams.

14 MEMBER HISSERICH: I'm John Hisserich.

15 MEMBER HOTCHKISS: Bruce Hotchkiss.

16 CHAIR WEISSER: And thank you, members of the  
17 public in the audience for attending. I'll ask folks  
18 to put their cell phones on either off, quiet, or stun,  
19 and also indicate that just prior to the meeting, Mr.  
20 Shook provided me with a copy of consumer comments that  
21 the referee stations have - services have received, and  
22 what I'd like to do, Rocky, is ask you if you couldn't  
23 make copies of this and distribute it to the Committee.

24 Lastly, I want to remind people that the July  
25 meeting of the IMRC will not be held, that meeting is

1 being cancelled, we do not have sufficient members  
2 here. And to raise a question associated with the  
3 September meeting, I will be out of town, actually out  
4 of country, and we might – Rocky, you might want to  
5 poll the members regarding whether or not we should try  
6 to change the date or conduct the meeting on the date,  
7 and if so, who should act as acting chairman in my  
8 absence, okay?

9 I also noticed by our stations up here a Smog  
10 Check Advisory Snapshot was placed, each of the members  
11 have this. I'm not sure if the members of the public  
12 and in the audience have that. If they don't, I'll  
13 certainly volunteer my copy to be passed around, and it  
14 shows kind of failure rates by type of station and the  
15 number of vehicles tested and repair costs by area from  
16 January through March of this year. And I will point  
17 out to the Committee, if you look at the very first  
18 item, the failure rates by specific station types,  
19 you'll note the considerable disparity between lower  
20 failure rates among test-and-repair versus higher rates  
21 in test-only, and remind folks that of course this is  
22 kind of in some way a self-fulfilling prophecy in that  
23 the test-onlys get directed the high emitter profile  
24 vehicles. This is similar to data that we've seen in  
25 the past and an issue that I'm – we will be discussing

1 not only in this meeting, but the weeks and months to  
2 come, particularly when Rocky gives his legislative  
3 report.

4 Any other comments on the presentation we've just  
5 heard from Executive Officer Carlisle? Okay. Then I  
6 think what we might want to do - Mr. Peters.

7 MR. PETERS: Yes, hello, Mr. Chairman and  
8 Committee, I'm Charlie -

9 CHAIR WEISSER: One moment. Could we get the  
10 timer going? Thank you.

11 MR. PETERS: I'm Charlie Peters, Clean Air  
12 Performance Professionals. We're a coalition of  
13 motorists.

14 The report indicated that the Committee is  
15 providing considerable opinions and information and  
16 activities with the Legislature and the Administration  
17 and all interested parties. And I did go and testify  
18 at the Senate Transportation Committee hearing a week  
19 ago, and it was very interesting to have a considerable  
20 amount of people supporting the Lieber Bill and I was  
21 there indicating that I thought that it would  
22 appropriate to consider improving the performance as a  
23 part of that. And when I was through with my  
24 testimony, the Chairman of the Committee asked the  
25 author if she knew what I wanted, and she said, "No,

1 no, I don't know what Charlie wants." He says, "Well,  
2 maybe you ought to find out what Charlie wants." I  
3 turned around and looked at Miss Lieber and she had my  
4 documents and my information in her hand. I had talked  
5 to him just prior.

6 But my point is that I'm sure I'm confused, but I  
7 was under the impression that the Chair had asked the  
8 Department of Consumer Affairs attorney about issues of  
9 running meetings and procedures and policy, and I was  
10 under the impression that for the Committee to lobby  
11 the Legislature was not appropriate, and the Committee  
12 was stated to be in favor of that bill, CEEB was in  
13 favor of that bill. A CEEB lobbyist was one of the  
14 people who got to testify for the significant group of  
15 people there supporting the bill.

16 I have no problem with people going and making  
17 their presentations, but I just wonder if the Committee  
18 would consider getting an official opinion about these  
19 activities and whether they're ethical or appropriate  
20 based upon the structure and position of the Committee.  
21 And I would petition the Committee to consider getting  
22 an official opinion on that because my understanding is  
23 it was not acceptable, and it's certainly – people on  
24 the Committee have their own lives and can do things  
25 outside of the Committee, but when they're there

1 lobbying as the Committee, I wonder if that's  
2 appropriate. Thank you.

3 CHAIR WEISSER: Thank you, Charlie. I know of  
4 nothing that can constrains this group, the IMRC, or  
5 any other state agency or adjunct to a state agency  
6 from testifying in front of a legislative committee.  
7 And in fact, one of the fundamental purposes this  
8 Committee was created for was to provide independent  
9 advice and counsel to the Legislature and the  
10 Administration. I think in contrast to your opinion,  
11 Mr. Peters, that this Committee would be failing to  
12 meet its statutory charge if we didn't share our  
13 opinions with the Legislature and the Administration.

14 MR. PETERS: I appreciate your position and  
15 opinion and, but what I said was, I didn't say it was  
16 wrong, I said what I understood your legal advice to  
17 say was it was not appropriate. And I asked and I  
18 petitioned you to get legal advice as to whether or not  
19 it is appropriate. I understand your opinion and I  
20 understand your position, you've made that quite clear,  
21 but I personally, based upon the activities within the  
22 Committee and the advice I thought I heard, I thought I  
23 heard that it wasn't appropriate. There's one thing to  
24 be in advice and so on, but when there is very  
25 significant distribution of information using tax

1 dollars going to, I'm sure, a broad base of people, and  
2 for sure this Committee is very important, and has  
3 hugely important people, and so if they're just a  
4 lobby group, if in fact that's not appropriate, then  
5 that's pretty serious. If it is appropriate, I'd just  
6 petition that I would like to see the possibility of  
7 having the Committee get an official opinion as to  
8 whether or not it's appropriate because I think it's  
9 very important.

10 CHAIR WEISSER: Thank you, Mr. Peters. I have no  
11 recollection of either asking for or receiving any  
12 advice from an attorney on this question. It's not a  
13 question I would ask for advice on, Mr. Peters, but I  
14 would instead encourage you to, if you want to follow  
15 up, to write the Department of Consumer Affairs and ask  
16 the question directly to them yourself. It's just not,  
17 from my standpoint, it's a non-issue, but if you have  
18 further concerns I suggest you take them up directly  
19 with the Department of Consumer Affairs or the  
20 secretary for State and Consumer Services.

21 Okay. Where are we now?

22 MR. CARLISLE: BAR update.

23 - oOo -

24 CHAIR WEISSER: Okay. I'm going to ask the  
25 representative for the Bureau of Automotive Repair to

1 give us an update on activities and happenings over the  
2 last month.

3 MR. RAMOS: Good morning. I'm Wayne Ramos, Bureau  
4 of Automotive Repair.

5 Just a few items to bring to your attention.  
6 Well, this goes back in March 15th of 2005, the  
7 Governor and the state kicked off the Breathe Easier  
8 Campaign of which we've increased the vehicle  
9 retirement cost from 500 to \$1,000. Most of you may  
10 have seen the campaign which included the Governor  
11 attending a dismantler in Rancho Cordova where he did a  
12 news blitz with respect to the car crushing program,  
13 the vehicle retirement program to kick the campaign  
14 off. So as a result of that, we've more than doubled  
15 the vehicle retirement since then. We anticipate that  
16 at the conclusion of this fiscal year, we would have  
17 spent \$4 million of which we've been -- which we've  
18 received 4.5 million as part of the vehicle retirement  
19 budget for this fiscal year alone and we've already  
20 retired close to 4,000 vehicles as a result of that  
21 campaign, so it is going forward quite swiftly and we  
22 anticipate even a larger participation in the next  
23 following fiscal year.

24 CHAIR WEISSER: Wayne, if I might ask, what's in  
25 the proposed budget for this program next year?

1           MR. RAMOS: Next year the budget, the actual  
2 repair – well, that’s the repair assistance budget.  
3 The repair budget for the next following year is 15.7  
4 million.

5           CHAIR WEISSER: So it’s approximately tripling?  
6 Even more.

7           MR. RAMOS: Correct, yeah.

8           CHAIR WEISSER: Yeah. Is the Department or ARB  
9 doing any calculations regarding the emission reduction  
10 –

11          MR. RAMOS: Yes.

12          CHAIR WEISSER: –that are garnered from this and  
13 the relative cost-effectiveness of those emission  
14 reductions?

15          MR. RAMOS: Yes. Following the conclusion of this  
16 fiscal year, we will have some estimations as to what  
17 that emission reduction achievement was as a result of  
18 both the vehicle retirement program and the repair  
19 assistance program.

20          CHAIR WEISSER: This may be a question more  
21 appropriate to the Air Resources Board, but is there  
22 then, and you’ll have many ample opportunity –has there  
23 been an analysis done of the relative cost-  
24 effectiveness of the BAR program vis-à-vis other  
25 scrappage programs, retirement programs?



1           MS. MORROW:   Sylvia Morrow with the California Air  
2 Resources Board.

3           As you know, the Smog Check Program in general has  
4 emission reductions associated, so there's two ways of  
5 looking at what the benefits are from BAR's scrappage  
6 program. First of all, you can look at it from an  
7 individual basis; how much emission reductions are  
8 these cars getting, and you can evaluate that on a  
9 cost-effective basis. Or you can take a look at, well,  
10 how much benefits are you getting on top of the Smog  
11 Check Program. Because like with the BAR's repair  
12 assistance program, right now when you take credit for  
13 the Smog Check Program, we already assume that cars as  
14 getting repaired so there would not be any additional  
15 benefits that are what you call SIP creditable for like  
16 the repair assistance.

17          And for like the vehicle retirement, I believe  
18 that, you know, we currently have procedures for the  
19 voluntary programs that are operated by the districts,  
20 and those assume that the car only lasts for three  
21 years so you only get three years benefit, and that is  
22 on average, replaced with a car that is eight years  
23 newer. So there's some standard procedures of how we  
24 calculate for the districts the extra benefit on top of  
25 the Smog Check Program of a voluntary retirement

1 program.

2 CHAIR WEISSER: Let me just ask a short follow-up.  
3 For the Smog Check Program, you said you – and I  
4 understand this, I think – you assume that all the  
5 vehicles would pass and they therefore meet the  
6 standards.

7 MS. MORROW: Yeah, there's assumptions that the  
8 vehicles get tested, they pass. I mean, there is a  
9 percentage waiver rate, but in general vehicles, you  
10 know –

11 CHAIR WEISSER: My question is, we also know and  
12 you and BAR have said in your most recent study that a  
13 substantial number of vehicles once their repaired  
14 don't remain in repair, repairs are not quite as  
15 durable as would be desired. Is that calculated into  
16 the –

17 MS. MORROW: I know it's calculated, I know that  
18 repairs aren't – and this would have to be an EMFAC  
19 question, and I'm not sure whether repairs are assumed  
20 to last for two years or for a year, but there is an  
21 assumption in the EMFAC model about cars that fail and  
22 how long the repair is durable, but I don't know that  
23 number off the top of my head or that term.

24 CHAIR WEISSER: I guess I'm asking that to see  
25 whether or not, in fact, if a car is retired, there

1 would be an increment of emission reductions that are  
2 not being today credited that might rationally be  
3 credited.

4 MS. MORROW: Well, yeah. I mean, there is  
5 because, you know, we assume that the car that is  
6 scrapped by BAR, or we would, just like with the  
7 retirement program, the voluntary one, that that car  
8 would have gone off the road within three years –

9 CHAIR WEISSER: Um-hmm.

10 MS. MORROW: – or three years later, so we assume  
11 a life of that credit for three years.

12 CHAIR WEISSER: I understand –

13 MALE VOICE: Which affects its cost-effectiveness.

14 MS. MORROW: Yeah, which affects its cost-  
15 effectiveness and the amount of emission reductions  
16 associated with it.

17 CHAIR WEISSER: Okay. We'll leave it for now.  
18 Wayne, I'm sorry to interrupt you, please  
19 continue.

20 MR. RAMOS: No problem, that's okay.

21 CHAIR WEISSER: Oh, I'm sorry. Jeffrey?

22 MEMBER WILLIAMS: Just to anticipate –

23 CHAIR WEISSER: You've got to push your button.

24 MEMBER WILLIAMS: I did.

25 CHAIR WEISSER: Okay. No, not for Jeffrey. No, I

1 was asking if Jeffrey had pressed his button on the –  
2 MEMBER WILLIAMS: Just to anticipate the study  
3 that might be done about this, is BAR recording the  
4 mileage before their crushed?  
5 MR. RAMOS: I'll have to check on that, into that  
6 –  
7 MEMBER WILLIAMS: I sure hope so.  
8 MR. RAMOS: – but I believe we do document that,  
9 I do believe that, yes. But I will check on that and  
10 get you a confirmed answer back on that issue.  
11 CHAIR WEISSER: Any other questions? Please  
12 continue Wayne, thanks for your patience.  
13 MR. RAMOS: Sure. The next item was I wanted to  
14 bring to your attention a letter which Chief Dick Ross  
15 wrote to the Committee, actually Rocky Carlisle,  
16 clarifying that the presentation and the document that  
17 was done by Gregory Mow with respect to the BAR low  
18 pressure fuel evaporative test, that the, in fact the  
19 Bureau of Automotive Repair did not author that  
20 document nor did we author the presentation. I believe  
21 there was some misconception that either the Committee  
22 might have had as to whether the Bureau endorsed that  
23 presentation, and we had no part in that. I just  
24 wanted to clarify that so –  
25 CHAIR WEISSER: Here it is. Thank you, I had not

1 seen that.

2 MR. RAMOS: Okay.

3 CHAIR WEISSER: It's included in our book.

4 MR. CARLISLE: It is, under tab five.

5 CHAIR WEISSER: After tab five. Is there  
6 something more direct that you'd like to say in regards  
7 to this? Were there concerns that were raised?

8 MR. RAMOS: Well, no, only the misconception. I  
9 think just by the title in itself indicating BAR,  
10 Richard Ross wanted to clarify the fact that we did not  
11 participate in that analysis from the Bureau's  
12 standpoint so.

13 CHAIR WEISSER: I certainly got the impression  
14 that the Bureau and Mr. Mow were not -

15 MR. RAMOS: Okay.

16 CHAIR WEISSER: - precisely in alignment on their  
17 thinking on this issue.

18 MR. RAMOS: Okay. The other item, Chief Richard  
19 Ross has been confirmed as of June 23rd as the Bureau  
20 chief, to bring to the Committees attention. And the  
21 next Bureau Advisory Group meeting -

22 CHAIR WEISSER: Excuse me, before you precede,  
23 Wayne, would you please convey to Chief Ross on behalf  
24 of the Committee our congratulations on his, you know,  
25 approval to keep his job.

1           MR. RAMOS: I will do that. And hopefully he's  
2 watching your web cam and he's probably hearing you as  
3 we speak, so -

4           CHAIR WEISSER: Very good.

5           MR. RAMOS: And the next item is just to advise  
6 the Committee that the next Bureau Advisory Group  
7 meeting is scheduled for Monday, July the 11th, just to  
8 let you know.

9           CHAIR WEISSER: Could you describe again what that  
10 group does at the Bureau Advisory meeting

11          MR. RAMOS: We meet quarterly with industry  
12 members and consumer groups to get their input on  
13 issues of which the bureau is involved with and get  
14 their recommendations and their input on any strategies  
15 that we're working on. Some of the items in the past  
16 agenda have been, for example, the fuel evaporative  
17 system, the testing part of that, the equipment  
18 associated with that. We've also had the Bureau  
19 advisory notice. They participated with the Bureau in  
20 developing that pilot program associated with that.  
21 Those are a couple of the items that we've -

22          CHAIR WEISSER: Are these invitation only meetings  
23 or are they open to the public?

24          MR. RAMOS: They are open to the public, yes.

25          CHAIR WEISSER: Rocky, do you go to these

1 meetings?

2 MR. CARLISLE: I haven't in the past but I was

3 planning to attend this one.

4 CHAIR WEISSER: I'd like you to and give us a run-

5 down on what, you know, how you see it working.

6 MR. CARLISLE: Yeah.

7 CHAIR WEISSER: I think that would be great.

8 That's a, I think, an excellent opportunity to improve

9 the interface between and exchange of information among

10 the Department, the Bureau I should say, and various

11 stakeholders. So congratulations.

12 MR. RAMOS: Thank you. And that was my update.

13 CHAIR WEISSER: Any questions from behalf of the

14 Committee?

15 Mr. Peters, did you have something you wanted to

16 say?

17 Thanks very much, Wayne.

18 MR. RAMOS: Thank you.

19 MR. PETERS: Mr. Chairman and Committee, one of

20 the things that was touched on was the issue of the

21 amount of reduction in emissions generated out of

22 scrappage and out of the program in general. When the

23 issue of making this two scrappage programs, the one at

24 the districts and the one at the Bureau of Automotive

25 Repair, was brought up and there was public hearings

1 held, we went there and suggested the possibility of  
2 doing some sort of an audit of that to determine kind  
3 of what's going on. If you would care to get the 1992  
4 General Motors study on scrappage credits and the  
5 comments of the EPA there, there was considerable  
6 concern by the EPA of those figures being significantly  
7 biased, and that it was very important to see that  
8 those numbers were valid because there were very  
9 significant incentives for those numbers but not  
10 necessarily be valid.

11 South Coast had a very significant scrappage  
12 program and Communities for a Better Environment became  
13 concerned about that and that became quite an issue in  
14 the media. And as a matter of fact, shortly after that  
15 the executive officer didn't work there anymore. So I  
16 believe it's very appropriate for the Committee to  
17 consider supporting having some sort of an audit of the  
18 system to determine what's really going on.

19 As an example, you can take a car in and when it's  
20 going to be crushed just make some minor adjustments  
21 and we could have this hugely gross polluting car and  
22 we get a whole bunch of credits for improvement when  
23 all you got to do is turn a screw and all of a sudden  
24 it's clean as a hound's tooth, not broken at all.

25 Like some of these cars if you review the



1 requirements, the standards that the cars need to meet  
2 in order to be able to be scrapped, they got to be  
3 able to move a little, maybe, they can have busted  
4 windows, lights out, fenders heavily damaged, not be a  
5 usable car at all and we're giving credit for three  
6 years of normal driving for that car. I think it's  
7 very appropriate for us to find out, in fact, if we're  
8 accomplishing anything at all or a lot, and I think  
9 it's appropriate to take a look at that and do some  
10 analysis of what's going on and seeing what it takes to  
11 bring some of those cars into compliance and so on so  
12 we can in fact put some numbers that create some reason  
13 that somebody might be credible to in case somebody  
14 comes to look at it like they did at South Coast,  
15 because that could -- has potential of becoming quite  
16 embarrassing if in fact the same kind of process  
17 happens to this program that happened at South Coast.

18 CHAIR WEISSER: Thank you, Mr. Peters. We'll  
19 start from the front, Chris?

20 MR. ERVINE: Chris Ervine with STARS, Coalition of  
21 State Test-and-Repair Stations.

22 Concerning Mr. Ramos's testimony here, we had \$4  
23 million for scrappage this year. It's going to be 15.7  
24 million next year. What portion of that is coming out  
25 of the CAP Program and the repairs for cars? I know

1 they've decreased that amount.

2       My concern is that they've increased the amount  
3 that they're giving for scrap cars and we have vehicles  
4 out there that are perfectly sound that will require  
5 more than \$500 to repair. There are catalytic  
6 converters that are \$1800. We could take some of these  
7 cars that would otherwise be scrapped or not repaired  
8 because the owners can't afford it, and we could add  
9 additional monies to those and put them on the road and  
10 have a good clean running, safe care. The kind of car  
11 that you're going to get for \$1,000 to replace the one  
12 you just crushed, is whether it's going to be better or  
13 worse then the one that just got crushed is debatable.

14       The other question I had is on repairs that only  
15 last a year to two years. Has ARB tracked that to find  
16 out whether or not these cars are failing for the same  
17 failure that they had before or is it a different item?  
18 When we get into different older cars, they do tend to  
19 fail more often, and I think that it needs to be  
20 determined as to whether or not they're failing for the  
21 same thing that they were failing for before or if it's  
22 something new.

23       Charlie brought up about the scrappage cars. I  
24 saw something from BAR on that that did address the  
25 glass in the car, that it had to be there, and also

1 that there couldn't be any major body damage on the  
2 car, so I think there is some kind of a something to go  
3 with that.

4 CHAIR WEISSER: Yeah, there are standards in terms  
5 of what cars are eligible for scrappage. They vary.  
6 The BAR approach is different than approaches used in  
7 different districts, but they try to make sure that  
8 these cars are actually operable.

9 In fact, Chris, there had been studies – I can't  
10 recall the dates of the studies but they're certainly  
11 more recent than 1992, thirteen years ago as Charlie  
12 mentioned – associated with what happens when somebody  
13 scraps the car, what do they do. And they don't buy,  
14 if they get \$1,000 let's say from the car, they don't  
15 buy \$1,000 car. They will use that \$1,000 to buy a car  
16 and typically it will be X number of years newer. And  
17 as you know, cars have gotten cleaner, and so if you  
18 gain five years on a car that's out in the road, you  
19 tend to gain some substantial emission reduction  
20 benefits.

21 Jude?

22 MEMBER LAMARE: My question is for the Bureau.  
23 Sorry Chris.

24 CHAIR WEISSER: Thanks, Chris.

25 MEMBER LAMARE: Okay. If we're going to talk

1 about the scrappage program that was announced and the  
2 Bureau's report on that, I recall that our legal intern  
3 at the office said that she had to submit income  
4 information in order to qualify for the scrappage  
5 program, and that by the time the data that, maybe I'm  
6 wrong here, that the Bureau misplaced her income sheets  
7 and by the time her whatevers, by the time she came  
8 back, she was qualified but the 120 days since Smog  
9 Check had passed and she was therefore not able to  
10 scrap this old truck that they were reluctantly giving  
11 up because it was so dirty, but had a lot of life in  
12 it, because of their environmental concerns. So, is  
13 there a CAP income test for the new scrappage program  
14 of \$1,000 vehicle?

15 MR. RAMOS: No, the income eligibility aspect of  
16 it is for the repair assistance program, not for the  
17 vehicle retirement program.

18 MEMBER LAMARE: And then is there a 120-day limit  
19 on either one of those programs from Smog Check, do you  
20 recall how that works?

21 MR. RAMOS: The 120 days associated with the  
22 income —

23 MEMBER LAMARE: The registration renewal date?

24 MR. RAMOS: Yes, there is a registration criteria,  
25 before the vehicle can qualify for the vehicle

1 retirement program it does have to be currently  
2 registered and there is a timeframe in which that  
3 vehicle had to have been registered. I'll have to get  
4 back as to what that specific timeframe is but it may  
5 be along the lines of 120 days.

6 MEMBER LAMARE: Okay. I'm going to go back and  
7 talk to her again and see what happened here. She was  
8 very disappointed. Thank you.

9 MR. RAMOS: You might, if you would like, get in  
10 touch or have her get in touch with either myself or –  
11 then I can have her get someone in touch with – right  
12 in the CAP program to get more specifically into what  
13 her concerns are.

14 MEMBER LAMARE: Thank you. Thanks, Wayne.

15 CHAIR WEISSER: Tyrone.

16 MEMBER BUCKLEY: I actually recently had an  
17 experience with the program as well, and this isn't  
18 necessarily a question for you but more to Jude's  
19 point. I was looking at the form that has the CAP and  
20 the vehicle retirement on the same form for one of my  
21 roommates down in San Luis Obispo, and it's not  
22 entirely clear on the form whether it's income  
23 eligibility and she had the same difficulty with it  
24 and we took a little while to decipher whether or not  
25 she indeed had to do income eligibility. And I was

1 quite sure she didn't, but the form is unclear.

2 CHAIR WEISSER: Get us a copy of the form. I'd  
3 like to take a peak at it. And this is good feedback  
4 for you, Wayne, if in fact there are some confusion,  
5 I'm sure that's something the Bureau's going to want to  
6 clear up.

7 MR. RAMOS: I'll do my homework as well and check  
8 to see if there is any confusion -

9 CHAIR WEISSER: Well, thanks very much, Tyrone.

10 MR. RAMOS: I could, if I can -

11 CHAIR WEISSER: Please.

12 MR. RAMOS: - clarify the question with respect to  
13 what Chris had with respect to the budget on their  
14 retirement program versus the vehicle retirement. I  
15 stand corrected in that the vehicle retirement budget  
16 for next year is actually 16.3 million and the vehicle  
17 repair assistance budget is the 15.7 million.

18 CHAIR WEISSER: Do that again. Say it again,  
19 please?

20 MR. RAMOS: Okay. The vehicle repair assistance  
21 program is budgeted next fiscal year at 15.7 million  
22 and the vehicle retirement program is budgeted at 16.3  
23 million, so they're almost equal.

24 CHAIR WEISSER: How much money is projected to be  
25 spent out of the CAP, the vehicle repair assistance

1 program?

2 MEMBER LAMARE: He just said.

3 CHAIR WEISSER: That's next year; this year.

4 MEMBER LAMARE: Oh, this year, you mean in the  
5 current.

6 CHAIR WEISSER: That's correct.

7 MR. RAMOS: For next fiscal year?

8 CHAIR WEISSER: No, this year. What is the budget  
9 show for this year?

10 MR. RAMOS: We show the repair for this fiscal  
11 year for repair assistance was 12 million, and we would  
12 have virtually spent all of that at the conclusion of  
13 this fiscal year.

14 CHAIR WEISSER: Thank you.

15 MR. RAMOS: And just also, an estimated 37,000  
16 vehicles have been repaired this fiscal year, so, as  
17 part of that repair assistance program.

18 CHAIR WEISSER: Very good. One more question.  
19 Tyrone?

20 MEMBER BUCKLEY: Yes, I had a question. You said  
21 4,000 cars have been through the program?

22 MR. RAMOS: On the vehicle retirement.

23 MEMBER BUCKLEY: On the vehicle retirement? The  
24 last time the program was up and running how many cars  
25 went through?

1           MR. RAMOS: Well, that was, the 4,000 was since  
2 the Breathe Easier Campaign went into effect .  
3           MEMBER BUCKLEY: Which was on?  
4           MR. RAMOS: March the 23rd.  
5           MEMBER BUCKLEY: Okay.  
6           MR. RAMOS: Or March 15th.  
7           MEMBER BUCKLEY: I guess I'm just trying to get at  
8 how much of an increase is 4,000, or at least -  
9           MR. RAMOS: Well, that's more than double, so  
10 there would have been 2,000.  
11          MEMBER BUCKLEY: Okay. Great. Thank you.  
12          CHAIR WEISSER: Well, I'm impressed with our  
13 executive officer's use of technology to bring up on  
14 screen and in front of us the forms you guys use. And  
15 in fact as I'm looking at it, it seems to distinguish  
16 pretty sharply between the vehicle retirement question  
17 and the consumer assistance question, but apparently  
18 not sharply enough, and the proof is in the pudding  
19 that there may be some confusion here. But I can  
20 certainly understand why people who were creating the  
21 form felt, you know, looks like it's fairly well  
22 distinguished, but that shows you how difficult it is  
23 to really tell -  
24          MR. RAMOS: Yeah.  
25          CHAIR WEISSER: - the reactions of consumers, a



1 broad swath of consumers will have to –

2 MEMBER LAMARE: This lady has a year of

3 (inaudible)

4 CHAIR WEISSER: Well, then that explains why she's

5 confused.

6 MEMBER BUCKLEY: I can't say the same about my

7 roommate.

8 CHAIR WEISSER: Okay. Do you have any further

9 follow-ups, Tyrone? Okay, we're going to go back to

10 Bud.

11 I want to mention as Bud is walking up that one of

12 my most cherished duties as the Chair of the IMRC is to

13 fill out Rocky Carlisle's performance evaluation, which

14 I had the pleasure of doing, and one of the things I

15 noted in his evaluation was the fact that he has kind

16 of continuously upgraded our use of technology.

17 Exemplified, Rocky, by today's little display that you

18 just performed, thank you.

19 Bud.

20 MR. RICE: Thank you. Bud Rice, Quality Tune-up

21 Shops.

22 Quick comment regarding the BAR update. Going

23 back in time a little bit and I'm going to ask the

24 Committee for some help here. There was quite a bit of

25 discussion regarding the firing up of the Mojave area

1 and how it wasn't on the program and then it was going  
2 to be placed into the program, and there was quite a  
3 bit of interest in terms of that's an isolated area  
4 that maybe we could get quite a bit of information  
5 from, from it not being in the program to being in the  
6 program, and I wanted to make sure that, or at least  
7 bring it back up again, if it's up and operating, if  
8 its going okay, to make sure that we're kind of getting  
9 some information out of that if it's doable before we  
10 get too far down the road and kind of loose some  
11 critical information if we don't get our hands on it  
12 soon.

13 CHAIR WEISSER: Thanks Bud. Any comments from  
14 either BAR or ARB on that? Wayne, it probably makes  
15 sense for you to sit closer up front.

16 MR. RAMOS: I kind of like to walk.

17 CHAIR WEISSER: Get the exercise. Gives you time  
18 to think of a response, good idea.

19 MR. RAMOS: Yes, the Mojave Desert has been  
20 brought online. It went extremely smooth, although the  
21 area is quite small, so we didn't anticipate there  
22 being much of a concern with respect to rolling that  
23 program over from basic to an enhanced.

24 As far as doing an analysis, that's done with any  
25 program or areas that we implement, and obviously it's

1 a little bit premature at this stage of the game to  
2 even conduct that type of analysis being in such early  
3 stages of the program implementation, so -

4 CHAIR WEISSER: But you are performing such an  
5 analysis?

6 MR. RAMOS: Yes.

7 CHAIR WEISSER: Very good. I'd like to note for  
8 the record the appearance of Mr. Pearman, we now have a  
9 quorum, and ask before we go further, are there other  
10 questions, and I see a - Len, please step up.

11 MR. TRIMLETT: Good morning, I had to grace you  
12 with my presence. It seems to me that to some extent I  
13 wonder if you're really, not really looking at the  
14 scrappage program adequately, okay? The bill AB184 says  
15 anybody who voluntarily wants to donate their car, it's  
16 got to be a low emission vehicle. It doesn't define  
17 what low emission is but it says, okay, you can donate  
18 those vehicles and give them to people that need them,  
19 okay? Who in their right mind is going to donate a  
20 vehicle that's running properly and has been properly  
21 smogged? They're going to use that vehicle to drive or  
22 they're going to sell it, okay?

23 I had a question posed to me through the internet.  
24 A person said, "I've got a car that hasn't been running  
25 for two years. I want to get rid of it. Where do I

1 get rid of it?" Well, I don't actually condone all the  
2 options, but I thought to myself for one, okay, there  
3 is a CAP program, but yes, that requires that it be  
4 running, it had passed its smog, had been registered in  
5 the past but may not have passed this one, okay? That  
6 car may not be eligible if it's not running, okay?  
7 Where do we go from there?

8       There's a whole set of abatement laws that say.  
9 okay, the state says this is no longer registered,  
10 okay? Under county abatement rules, they can come in  
11 and take that car and sell it for whatever they want,  
12 okay? So a person could go out and put it in some area  
13 known to be abated and let the county have it, okay?  
14 But the state has no provisions to buy that car and to  
15 get it off the road, supposedly because there's no  
16 emission benefits, okay? What's the person do to get  
17 rid of it? They can sell it if anybody will buy it,  
18 they can leave it and have it towed as an eyesore, or  
19 they can try and get it to natural scrappage which I  
20 support through a wrecking yard, but with the price of  
21 steel going down, I'm not so sure that that can happen.

22       Just one quick other part. The other part I have  
23 a problem with is this repair of vehicles that fail  
24 their smog test, okay? Has anybody looked at really  
25 what's causing those vehicles? I've seen a lot of cars

1 that fail for maintenance and because people just tend  
2 to abuse them. And the problem is not that it's going  
3 to fail again in two years, but it's because it hasn't  
4 been maintained properly. Example, the '80 Mustang  
5 Turbo. That car was a mechanics friend, it got  
6 repaired daily.

7 CHAIR WEISSER: Thanks, Len.

8 MR. TRIMLETT: Thank you. Found on road dead.

9 CHAIR WEISSER: Thank you, Len. Any other  
10 comments in the audience?

11 - oOo -

12 Okay. Before going to the ARB update, now that we  
13 have a quorum, I'd like to return to item number two,  
14 the approval of minutes for the meeting of May 24th.  
15 Has everyone had an opportunity to review the minutes?  
16 Are there any comments or suggested changes? Is there  
17 someone who wishes to make a motion for the adoption of  
18 the minutes? Bruce has so moved. Is there a second?  
19 I'm not sure who said that. John? Okay, John has  
20 seconded. Any discussion? All in favor please signify  
21 by saying Aye.

22 IN UNISON: Aye.

23 CHAIR WEISSER: Are there any opposed? Hearing  
24 none. No.

25 - oOo -

1           Okay, we'll move into the ARB update.

2           MS. MORROW:   Sylvia Morrow, California Air  
3 Resources Board.   I just thought I'd bring up one  
4 little clarification on the whole scrappage issue.  
5 ARB's voluntary scrap regulations which the districts  
6 follow are in regulations and actually and how much the  
7 districts can take credit for.   Through when ARB  
8 developed the regulations they found that on average a  
9 person that scraps a car replaces it with an eight year  
10 newer car.

11          CHAIR WEISSER:   Excuse me.   Eight years newer?

12          MS. MORROW:   Eight years newer due to the whatever  
13 information they found at the time, I don't have the  
14 actual details.   The credit that the district gets is a  
15 fleet average credit, it is not the actual what the  
16 emissions are of that vehicle, so there is a fleet  
17 average credit for a 1976 with the assumption that it's  
18 replaced with an eight-year-old or a fleet average car.

19          CHAIR WEISSER:   And that's a very conservative  
20 approach, is it not?

21          MS. MORROW:   That's a conservative approach and  
22 those are in regulations and I do believe that ARB is  
23 going to be updating those regulations in the future.

24          CHAIR WEISSER:   And those regulations, when  
25 they're updated you go through a public process, don't

1 you?

2 MS. MORROW: Correct. Yes.

3 CHAIR WEISSER: And there's -

4 MS. MORROW: - workshops -

5 CHAIR WEISSER: - public opportunity from

6 workshops and at the Board hearing for adoption for

7 comments; is that correct?

8 MS. MORROW: Right, yes.

9 CHAIR WEISSER: So I would encourage people who

10 are interested in this to take advantage of the open

11 process ARB provides in this regard.

12 MS. MORROW: So I just wanted clarify that.

13 CHAIR WEISSER: Thank you very much.

14 MS. MORROW: Okay. First of all, I'd like to say

15 that ARB has recently posted an intent to award the

16 Smog Check evaluation contract to Sierra Research, and

17 the contract is currently going through the standard

18 approval process. And, you know, as just to bring

19 this back up, someone had mentioned it; one of the

20 things that we will be studying in that contract will

21 be why cars that get a smog check fail within six

22 months, so we will be evaluating that, that notion and

23 seeing what are the causes of it. Is it because of a

24 false smog check, you know, incorrect smog check, is it

25 because the car is just old and just failing on a

1 regular basis, but just wanted to pass that on.

2 CHAIR WEISSER: When will that study be available  
3 for the Committee and the public to look at, at least  
4 in draft form?

5 MS. MORROW: Yeah. Well, right now, like I said,  
6 the contract is still going through the approval  
7 process and we don't anticipate that the contractor  
8 will start doing any work until it has been approved.  
9 Because this is at the end of the fiscal year, there's  
10 quite a, not a log jam, but there's, you know, a lot of  
11 contracts that are trying to get approval right now.

12 CHAIR WEISSER: What's the work plan in the RFP  
13 call for in terms of a time for submission of a draft?

14 MS. MORROW: I had thought that it was shortly,  
15 but I'd have to take a look at the RFP. I don't want  
16 to give you -

17 CHAIR WEISSER: Thank you. Rocky, could you  
18 follow up on that? I'd like to get a sense of when  
19 this report might become available to the public and  
20 the Committee, thank you.

21 MS. MORROW: And again, the joint ARB/BAR  
22 Legislature report is still going through management  
23 review, so it is still -

24 CHAIR WEISSER: At what level is it being  
25 reviewed?



1 MS. MORROW: It's still because we had, originally  
2 we thought it was a GAR that sends it up to the  
3 Governor, the Governor's office, but it's actually a  
4 report, a request for report approval, so I had  
5 incorrectly put together the wrong form so we're  
6 revising that, and before it actually is released the  
7 Governor has to give the okay to be released and it's  
8 still, you know, it's close to getting done at ARB and  
9 then it'll go through BAR before it's actually  
10 finalized and released.

11 CHAIR WEISSER: Oh, I was under the -

12 MS. MORROW: Well, they're looking at it but it  
13 still has to go through the DCA management approval.

14 CHAIR WEISSER: So the study has not yet been  
15 approved by DCA.

16 MS. MORROW: The report -

17 CHAIR WEISSER: The report.

18 MS. MORROW: - still has to be approved -

19 CHAIR WEISSER: I was confused. I thought that  
20 last month -

21 MS. MORROW: It's just a standard, you know,  
22 state, you know, state process, is that they have to,  
23 the report has to get agency signatures from both  
24 agencies -

25 CHAIR WEISSER: Yeah.

1 MS. MORROW: - from both agencies and then  
2 approval from the Governor before it's released.

3 CHAIR WEISSER: Thank you, Sylvia.

4 MS. MORROW: Okay. Also, I want to let you know  
5 just because this is, ARB does not have any approved  
6 positions on any of the legislation regarding Smog  
7 Check. And also, the White Papers regarding the repair  
8 cut points are still under management review.

9 CHAIR WEISSER: Any idea of when they may see  
10 sunshine?

11 MS. MORROW: I have no idea.

12 CHAIR WEISSER: Thank you. A White Paper on cut  
13 points, this is the -

14 MS. MORROW: Per the South Coast SIP-

15 CHAIR WEISSER: Okay.

16 MS. MORROW: - the Board hearing.

17 MEMBER HISSERICH: Just a quick question.

18 CHAIR WEISSER: John?

19 MEMBER HISSERICH: Just to clarify, the dual  
20 report, the joint report, has received ARB level  
21 approval at the agency level.

22 MS. MORROW: It has not received -our executive  
23 officer has not signed off on the report.

24 MEMBER HISSERICH: Has not. And similarly, DCA  
25 has not signed off.

1 MS. MORROW: That's right.

2 MEMBER HISSERICH: So both agencies are still  
3 pending –

4 MS. MORROW: And our agency secretary has not  
5 signed off on it.

6 MEMBER HISSERICH: So it's pending for both  
7 agencies.

8 CHAIR WEISSER: This is just the normal sign-off  
9 process.

10 MS. MORROW: It is the normal, yes.

11 MEMBER HISSERICH: Okay.

12 CHAIR WEISSER: Let's hold, let's do one comment  
13 at a time, please.

14 MEMBER HISSERICH: All right, I just wanted to  
15 understand that. And then, at some juncture, assuming  
16 that one signs off then somehow they –

17 MS. MORROW: Then what happens is –

18 MEMBER HISSERICH: – jointly send it forward to  
19 the Governor's office.

20 MS. MORROW: – it's a request for a report  
21 approval, and so at that time the Governor's office  
22 will decide whether to release the report and to send  
23 it to the Legislature.

24 MEMBER HISSERICH: And it has to be signed by both  
25 agencies before the request for, whatever it was, it

1 goes forward. Okay.

2 MS. MORROW: Yes.

3 CHAIR WEISSER: Is it possible we'll receive next  
4 year's evaluation before this last year's, the 2004  
5 report is released?

6 MS. MORROW: I can't comment on that.

7 CHAIR WEISSER: Thank you. Jude?

8 MEMBER LAMARE: Just to clarify that when you,  
9 when you mention this report, you're talking about the  
10 April, 2004 report that we reviewed last year?

11 MS. MORROW: Right, with an addendum addressing  
12 what has happened since that time.

13 MEMBER LAMARE: So kind of updated?

14 MS. MORROW: Yes.

15 MEMBER LAMARE: Thanks.

16 MS. MORROW: Okay?

17 CHAIR WEISSER: Hang on. Are there any further  
18 questions? Thank you very much. Oh, we have a  
19 question, I'm sorry. Jude. No easy escape Sylvia.

20 MEMBER LAMARE: Regarding the evaporative emission  
21 testing issue.

22 MS. MORROW: Yes.

23 MEMBER LAMARE: Wasn't ARB and the Bureau in the  
24 process of putting together a letter or a response on  
25 that, and where is that?.

1 MS. MORROW: What letter are you talking about?

2 CHAIR WEISSER: If I might, I think that might be  
3 better directed at Wayne based upon what Chief Ross had  
4 said regarding some concerns they had over the tests,  
5 and I think he was in -

6 MEMBER LAMARE: Why the Bureau is not implementing  
7 the test.

8 MS. MORROW: Well, right now we're in the process,  
9 and I'd have to check because last time, last time I  
10 had heard they were going to start were in the process  
11 of testing the low pressure evap system to make sure  
12 that, that when it fails a car, that the car can be  
13 repaired so that there's not a false failure rate.  
14 That's one of the issues. The California Health and  
15 Safety Code requires that you can't have more than a 5  
16 percent false failure rate, and some early testing done  
17 with a preliminary prototype tester showed in excess of  
18 5 percent, so before we can pursue those, that testing  
19 device, we have to insure that we meet all the  
20 criteria.

21 CHAIR WEISSER: And where does that stand, Sylvia?

22 MS. MORROW: I haven't checked, but last I had  
23 heard they were just going to start-up testing and that  
24 was a few weeks ago. I'd assume that they maybe have  
25 tested some cars.

1           CHAIR WEISSER: And that's being done in El Monte?  
2           MS. MORROW: In El Monte.  
3           CHAIR WEISSER: Okay. I'd like, Rocky, if you  
4 could keep your eye on the progress in that. That's an  
5 issue that, you know, hopefully will provide us an  
6 opportunity for substantial cost-effective emission  
7 reductions. Very supportive of the work you're doing.  
8           Okay. Any comments, questions from the audience?  
9 We'll go Chris and then Charlie.  
10          MR. ERVINE: Chris Ervine, STARS. First I'd kind  
11 of like to get an idea of how much in excess of 5  
12 percent we're talking about on the evap tester, is it  
13 6 or is it 20?  
14          On scrappage, we keep talking about it. One of  
15 the concerns that I have here is we're scrapping a car  
16 for \$1,000. Some of the customers that I see in the  
17 real world, they have an automobile that's sound. They  
18 can't afford to fix the automobile they've got, because  
19 it's going to cost over the \$500 limit that CAP  
20 provides. How are they going to be able to afford to  
21 buy a newer vehicle? And the other thing – the other  
22 end of the scale that I see is the people that do have  
23 these \$1,000 cars that are being scrapped, I can  
24 almost guarantee you that a very large portion of the  
25 vehicles that they replace with the scrapped cars are

1 going to end up in the same condition that those  
2 scrapped vehicles were in within the two-year period.

3 CHAIR WEISSER: Because they just don't maintain  
4 them.

5 MR. ERVINE: They don't maintain them, they abuse  
6 them and -

7 CHAIR WEISSER: Chris, in regard to your first  
8 comment the percentage of false failures, I'd suggest  
9 that you might want to just chat off-line with ARB or  
10 BAR, but I would keep in mind that that was a prototype  
11 test that's going to be testing, that was testing a  
12 piece of equipment that is different then that which I  
13 understand is being tested now. I note Sylvia is  
14 nodding her head in agreement with what I've just said.  
15 So, what it was and what it is are probably not very  
16 well related.

17 MR. ERVINE: Perhaps BAR can answer that today.

18 CHAIR WEISSER: Possibly. Jude?

19 MEMBER LAMARE: Chris, are you suggesting the  
20 Committee should be studying vehicle abuse by  
21 consumers?

22 MR. ERVINE: I think vehicle abuse and lack of  
23 maintenance are the two biggest causes of emission  
24 failures that we have.

25 MEMBER LAMARE: That there might be a population

1 out there that needs to be educated about how to take  
2 care of their vehicle?

3 MR. ERVINE: I don't think you'll educate them.

4 CHAIR WEISSER: Well, that's pretty pessimistic,  
5 Chris.

6 MR. ERVINE: Well, I'm being honest.

7 CHAIR WEISSER: I appreciate your honesty.

8 MEMBER LAMARE: Some of us don't know about oil  
9 changes, all right?

10 MR. ERVINE: Well, there may be a certain amount  
11 of the population that does need education, and I  
12 educate, educate my customers on it. I have a saying  
13 that, if you don't take care of your vehicle now,  
14 you're either going to pay me now or you're going to  
15 pay me later, and it's going to be a lot more  
16 expensive later on. So I do try and educate my  
17 customers on how to take care of their vehicles, but  
18 there are people out there that the only time that  
19 vehicle ever sees a shop is when it won't run, and if  
20 it still stops, you know, then even though it may be on  
21 two wheels, they'll continue to drive it.

22 CHAIR WEISSER: Okay. Mr. Peters, you had your  
23 hand up.

24 MR. PETERS: Thank you, Mr. Chairman. Mr.  
25 Chairman and Committee,. Charlie Peters, Clean Air



1 Performance Professionals, a coalition of motorists.  
2 That was a very interesting subject that was just  
3 addressed about educating motorists, and since that's  
4 who I claim to represent, how about we start providing  
5 a little support and education for the repair industry,  
6 i.e., finding out if in fact what's broken gets fixed.  
7 We did an 1,100 car study by the Air Resources Board.  
8 We found 1,100 failing cars. Did a comprehensive  
9 evaluation, sent them out, got them fixed, found out  
10 what happened, did federal test procedures, all kinds  
11 of test procedures, analysis, how much money was spent  
12 per car. Probably everybody in this room could become  
13 independently wealthy over the money spent in that  
14 program. Total number of shops, Smog Check providers,  
15 found out that they didn't do their job was one. That  
16 was somebody who clean piped the car.

17 We don't communicate when somebody has a problem  
18 other than maybe coming and putting them out of  
19 business. So I would suggest that we put in an audit  
20 system to find out if in fact if we communicate with  
21 people, tell them that in fact they didn't do their  
22 job, find out if in fact that makes their behavior  
23 change. Maybe the public could start being treated  
24 with a little bit of ethical service that would work  
25 better. We'd get a much better relationship between

1 the consumer and the provider and we may actually have  
2 a program that might work a little better.

3 The issue of the fuel evap, the proposal in, when  
4 EPA started coming here and promoting their enhanced  
5 program the primary hydrocarbon reduction was by the  
6 pressure purge test, which has never been able to be  
7 truly implemented. This effort to push this and get it  
8 done, the sole provider is a company called, well, it's  
9 a company that probably a member or two of the  
10 Committee may have a relationship with and I find it  
11 very interesting that that's being very heavily pushed.  
12 When the Bureau of Automotive Repair and the Air  
13 Resources Board has made it quite clear that they're  
14 trying to responsibly look at this and provide  
15 appropriate information, I find it very interesting  
16 how this piece of equipment, which is extremely  
17 expensive, which may not provide any benefit at all, is  
18 being heavily pushed. Thank you.

19 CHAIR WEISSER: Mr. Peters, is there a specific  
20 allegation of a conflict of interest among any member  
21 that you'd care to make at this point in time or was  
22 that just a broad-based smear?.

23 MR. PETERS: Does it appear to me as though there  
24 is a possibility of a conflict? Absolutely.

25 CHAIR WEISSER: I would hope you'd reduce that in

1 writing and make it clear so that that could be  
2 pursued. What's the, if I might ask, what is the  
3 company, the leading company, could you clarify that?

4 MR. PETERS: That's an interesting question when  
5 you're pushing to get something done that you don't  
6 even know whose producing it?

7 CHAIR WEISSER: The only thing I'm pushing –

8 MR. PETERS: My, what responsible oversight of  
9 this process.

10 CHAIR WEISSER: The only thing I'm pushing is the  
11 work to evaluate the system because the potential  
12 results appear promising. I'm not pushing to implement  
13 a system that doesn't work, that has an unacceptable  
14 failure rate or an inaccurate reading rate.

15 MR. PETERS: It was certainly interesting how the  
16 CEEB lobbyist presentation at the Senate Transportation  
17 Committee went, that that was a primary issue was the  
18 lack of implementation of this piece of equipment, sir.

19 CHAIR WEISSER: Well, I think that this Committee  
20 as a whole has expressed disappointment that the pace  
21 of investigation, analysis, and progress made on  
22 evaporative equipment since the, it's been what, four  
23 years? Yeah, I think that's an accurate reflection.  
24 The Committee is disappointed over the pace of  
25 evaluating and analyzing and making the determination.

1           Okay. We are – are there any other comments from  
2 the audience? Thank you very much both Wayne and  
3 Sylvia for your comments.

4                               – o0o –

5           The next item on the agenda lists state comparison  
6 of I&M programs. However, Rocky informs me that at  
7 least two states have not yet been able to respond to  
8 his request for information and he asked that we hold  
9 this over until our August meeting. I'm wondering,  
10 Rocky, if you are getting any information while you're  
11 contacting all these states regarding states that  
12 couple safety inspections with their I&M programs, or  
13 how many states had safety inspections. That's just an  
14 area that's always been a curious one for me.

15           MR. CARLISLE: There are some and we do have that  
16 data. I think it's less than six but that's just, you  
17 know, from briefly looking at the data yesterday. But  
18 I will have that for you.

19           CHAIR WEISSER: Any questions or comments to Rocky  
20 in terms in of his pursuit of this comparison, just  
21 trying to get a handle on what is going on in other  
22 states?. Okay.

23           Let's do our Legislative update now if we could,  
24 Rocky.

25           MR. CARLISLE: There are currently five bills that

1 we've been tracking; however, two of them are in  
2 suspense for the time being.

3       One is AB184. 184 seeks to establish the pilot  
4 program to remove gross polluting vehicles and  
5 substitute those with donated vehicles. That was the  
6 Cogdill bill.

7       AB183, Montanez, that's the one that increases the  
8 CAP qualification to 225 percent, and there was a  
9 recent amendment on that, I'm told from legislative  
10 staff, that makes the same qualification now for test-  
11 only and test-and-repair, so while test-only vehicles  
12 do qualify for CAP, they have to meet the 225 income  
13 eligibility. I was told by staff yesterday. Now,  
14 again, like you, I haven't seen that in print, so that  
15 was what I was told.

16       And at the Committee's request, I did add another  
17 column to this report that shows the Committee's  
18 position. We do support that in its present form. We  
19 sent a letter on May 5th and we sent another one June  
20 21st with more information with regard to the consumer  
21 information survey.

22       In addition, on the second page I've added a  
23 couple other columns on this. Actually, it's on your  
24 third page, that show who support the various bills and  
25 who opposes them, just for your information. With

1 regard –

2 CHAIR WEISSER: Excuse me, Rocky, I think that

3 Tyrone had a question on one of the bills that you've

4 already –

5 MR. CARLISLE: Yes, sir?

6 MEMBER BUCKLEY: Is the Montanez bill in suspense?

7 MR. CARLISLE: No. Montanez's bill is going

8 before the Senate Transportation Committee on July 5th.

9 MEMBER BUCKLEY: What are the two bills that are

10 in suspense?

11 MR. CARLISLE: 184 and 578 – I'm sorry, not 578,

12 but 898.

13 MEMBER BUCKLEY: Thank you.

14 MR. CARLISLE: Um-hmm. Like I mentioned, AB383 is

15 going to be heard in the Senate Transportation and

16 Housing on July 5th,. That's, as I understand it,

17 providing the budget's approved by that point in time.

18 The next bill was AB386, the Lieber bill that

19 moves the authority for administering the Smog Check

20 Program. That recently passed through the Senate

21 Transportation and Housing with 11-2-2 vote and it's in

22 Appropriations. I'm not sure about the hearing date on

23 that one. We again took the position of supporting

24 that one. We sent a letter on May 4th to Assemblywoman

25 Lieber.

1           AB578, that one is currently in the Senate  
2 Transportation and Housing; however, I just looked on  
3 the website this morning and now it's going to be heard  
4 again on July 5th in Senate Transportation. And that  
5 was just posted, like I say, this morning, so your  
6 spreadsheet does not reflect that. Again, the  
7 Committee supported that. We sent a letter on May 27th  
8 to the Assemblywoman Horton in support of that bill.

9           A couple of things with regard to those that  
10 support those bills and those who oppose them. On  
11 AB386 there was a significant amount of support. There  
12 was one in opposition, which was CAP. On 578, it also  
13 had a lot of support.. CETIA did initially oppose that  
14 bill, but currently they've withdrawn their opposition  
15 pending the amendments to that bill. It is undergoing  
16 amendments, as I understand it.

17           With regard to AB898, that's the training issue  
18 that's supposed to reduce the amount of training for a,  
19 quote, test-only technician, and the way it's been  
20 amended now it would reduce the training for all Smog  
21 Check technicians. While that's again become a two-  
22 year bill, I was asked by Howard Posner if we could -

23           CHAIR WEISSER: Identify who Howard Posner is.

24           MR. CARLISLE: I'm sorry. Howard Posner is the  
25 consultant for the Assembly Transportation Committee.

1 He did ask that we follow up with the Assembly  
2 Transportation Committee in the fall on our input to  
3 that bill.

4 CHAIR WEISSER: You mean the Legislature asked us  
5 for –

6 MR. CARLISLE: Yes.

7 CHAIR WEISSER: Okay. I just personally have a, I  
8 guess an initial instinct to be concerned about  
9 reducing training requirements across the board. It  
10 just seems to me, you want to be upgrading things, not  
11 downgrading.

12 Can we return to 578 for a moment?

13 MR. CARLISLE: Yes, sir.

14 CHAIR WEISSER: Because it's been brought to my  
15 attention that there are substantial amendments that  
16 are being considered for 578. We don't have them and  
17 they have not been introduced, but the amendments that  
18 are under consideration, as I understand it, would  
19 provide that cars from the high emitter profile might  
20 be directed to the top 25 percent performing test-and-  
21 repair stations. In other words, a portion of the  
22 vehicles that now are directed to test-only stations  
23 might be directed to test-and-repair stations but only  
24 the highest performing stations.

25 MR. CARLISLE: Correct.



1           CHAIR WEISSER: Now, that, as I understand it,  
2 that amendment has not been introduced but it's one  
3 that we need to keep our eyes on. You know, based upon  
4 what I've seen in the, I guess it was the ARB study  
5 performed about three or four years ago, and the work  
6 that Jeffrey has put forward, that seems to be  
7 something that could be attractive that I'd like us to  
8 be able to look into and take, take some sort of action  
9 or make some suggestions when in fact it goes into  
10 print.

11           MR. CARLISLE: Right, the 2000 report did in fact  
12 indicate that 25 percent of the best performing test-  
13 and-repair stations were equivalent to test-only. What  
14 it failed to identify was the common denominator among  
15 those stations. In other words, what -

16           CHAIR WEISSER: How do you define top 25 percent.

17           MR. CARLISLE: Exactly, that was the difficult  
18 part.

19           CHAIR WEISSER: I'm curious as to how you go about  
20 doing that myself. But it seems like it's of interest  
21 to me at least.

22           Anything further on legislation, Rocky?

23           MR. CARLISLE: That's it.

24           CHAIR WEISSER: Do we have a comment or a question  
25 from the audience? Please come up.

1           MR. CONWAY: John Conway, Menlo Park Chevron. On  
2 the – you have to be registered Gold Shield as I  
3 understand to be part of this top 25? Am I correct?  
4           CHAIR WEISSER: I can't answer that, I don't know.  
5           MR. CONWAY: That's the way I understand it.  
6           CHAIR WEISSER: Um-hmm. Well, it provides  
7 incentive then for people to get registered as Gold  
8 Shield, which I guess would have an ancillary benefit  
9 of being able to expand the consumer assistance program  
10 being offered to eligible consumers. That seems like a  
11 good thing.  
12           Other questions? Mr. Ward.  
13           MR. WARD: Mr. Chairman, Members, Randall Ward,  
14 California Emissions Testing Industries Association. I  
15 have not had a chance to review amendments either, but  
16 this is an old issue. I mean, there's nothing new  
17 about having identified the top 25 percent. And oddly  
18 enough, I can still visualize the scatter diagram out  
19 of the 2000 evaluation and there were substantially  
20 more test-and-repair, regular test-and-repair, than at  
21 that time any category of Gold Shield. So, the  
22 question, as Rocky appropriately raised, was, well,  
23 what common denominator is there to these top  
24 performing stations, how do you identify them?. And  
25 the conclusion was human behavior, which you couldn't

1 put in any kind of condition for licensing. So that  
2 was, that was the rub. The evolution of that of course  
3 now is the Gold Shield/CAP, which gives them the  
4 ability to receive money from the state for repairing  
5 cars under the assistance program.

6 This is really an industry marketplace issue. It  
7 is one industry against another. There are substantial  
8 arguments on the consumer side, substantial arguments  
9 on the air quality side that I'm not going to go into  
10 today because I think you're going to appropriately  
11 discuss this at a later date, but I think the best way  
12 to do this is to synthesize what has happened.

13 The additional exemptions have caused major pain  
14 to both sides of the industry. And as I've I think  
15 indicated before, the loss to the test-and-repair  
16 industry January 1, 2005 was 25 percent, the loss to  
17 the test-only industry was 20 percent, so we've both  
18 been hit very hard.

19 One of the, I would say, mischaracterizations  
20 being used by elements in the test-and-repair industry  
21 is that their business loss has been 40 percent or more  
22 since 2002 compared to 20 percent of test-only. That's  
23 mixing apples and oranges. As I said, the exemptions  
24 caused test-only to loose business as of January 1st,  
25 2005, but there are now 1,600 test-only stations in

1 existence. And I think, as Rocky would indicate,  
2 because he was very much involved with the test-only  
3 side of the Smog Check program, the estimate to  
4 accomplish the test-only objective in the state was  
5 somewhere around 300 stations. So you've got 1,600  
6 test-only stations. Since 2002, the increase has been  
7 100 percent. It went from 800 to 1,600. That divided  
8 the directed vehicles, cut them in half to all test-  
9 only stations, so the business loss there was  
10 substantial. I don't know what the exact percentage  
11 is, but test-onlys as well have lost somewhere between  
12 30 and 40 percent of their business as a result of  
13 marketplace competition.

14 So, I would simply caution the Committee a little  
15 bit to recognize the bill for what it is, it is really  
16 a marketplace bill. The issue is not a new issue; it's  
17 been eaten and digested by the Air Board and the  
18 Bureau. Thank you.

19 CHAIR WEISSER: Thank you, Mr. Ward. We'll come on  
20 down to Len.

21 MR. TRIMLETT: Len Trimlett. I'd like to drop  
22 back to the previous subject for just a moment with  
23 relation to cars that keep failing, that get fixed and  
24 then fail a year later or so. I can give you two  
25 examples what I'm talking about, like my Mustang.

1           CHAIR WEISSER: Len, I'm going to interrupt you  
2 and what I'd like to do now is just get questions on  
3 the legislative report, and rather than popping back  
4 to where we were earlier in the agenda, let's keep our  
5 focus on the legislative report. And if you could jot  
6 down what you're saying, when we have the open time  
7 we'll go back to it. I just want to keep moving  
8 forward, if that's okay.

9           MR. TRIMLETT: You're talking about the  
10 legislative agenda?

11          CHAIR WEISSER: Yeah, we're just, we're going  
12 through bills now, we're taking comments from the  
13 public on the presentation that Rocky made on  
14 legislation.

15          MR. TRIMLETT: Okay.

16          CHAIR WEISSER: Sorry. So any further comments  
17 from the public on legislation. Mr. Peters?

18          MR. PETERS: Mr. Chairman and Committee, the  
19 market-based bill or whatever it is that many in the  
20 room seem to be quite aware of, I represent motorists  
21 and I certainly don't know anything about that, and it  
22 certainly would be nice to share and be able to  
23 participate in the process. I've gotten up here today  
24 and made several comments that I thought were  
25 important, like finding out if in fact scrapping cars

1 actually does anything or not, and there is zero  
2 response. I guess public comment doesn't matter or it  
3 doesn't get consideration, or should I just turn the  
4 mike off when I get up here? I'm really confused. If  
5 we've got a bill and language that's being discussed  
6 and the people in this room are being considering and  
7 people on the Committee and people in the room are  
8 considering, isn't it appropriate that the public  
9 should have an opportunity to look at that and be able  
10 to decide if it's appropriate or not? I would petition  
11 that if that's possible that this is shared a little  
12 broadly, more broadly than what it is rather than just  
13 a few friends getting to decide? I would appreciate  
14 that.

15 CHAIR WEISSER: Thank you, Mr. Peters. Yes.

16 MEMBER HISSERICH: May I just very quickly? I  
17 believe the one, I just want to be clear, we were  
18 discussing 578, is that right?

19 CHAIR WEISSER: I think that's the reference –

20 MEMBER HISSERICH: And I look at the list of  
21 people listed as supporting that and Clean Air  
22 Performance Professionals is listed as amongst the  
23 supporters of that legislation. Now I'm just confused  
24 as to how you know nothing about it if you're listed as  
25 a supporter.

1           MR. PETERS: Mr. Chairman, I would comment that in  
2 fact I was there, and the bill as it stood at that  
3 time, I didn't see anything that was negative there at  
4 all, and yes sir, I was there and I supported it. I  
5 am not aware of any new language or amendments. I am  
6 stating that I would like to become aware of those and  
7 see if it's appropriate to continue my support or  
8 otherwise.

9           CHAIR WEISSER: I would urge you to chat with the  
10 bill's sponsors. As I've said, I've only heard this is  
11 under consideration, I don't have any language.

12          MR. PETERS: Interesting.

13          CHAIR WEISSER: Nobody here has language. Chris.

14          MR. ERVINE: Chris Ervine with STARS. Mr. Ward  
15 was up here earlier and he said that the problem we had  
16 here on 587 was, or 578 rather, was a marketing  
17 problem.

18          CHAIR WEISSER: I think he said a market problem,  
19 and I think what he meant by that is a competitive  
20 issue between the test-only and the test-and-repair  
21 businesses.

22          MR. ERVINE: Correct. And one of the things that  
23 he was complaining about is that there's too many test-  
24 onlys now and that test-onlys are competing amongst  
25 each other and they're taking business away from the

1 other test-onlys. Well, that's fair, you know, that's  
2 fair market out there.

3 The problem that we have is that we have 1,600  
4 test-only stations in the State of California that have  
5 access to 100 percent of the smog fleet for testing.  
6 We have over 4,000 test-and-repair stations in the  
7 State of California that are doing the emission  
8 reductions for this state, and we only have access to  
9 less than 50 percent of the smog fleet for testing.  
10 That is not fair marketplace. It's very lopsided, and  
11 I would prefer to be on the opposite side. The problem  
12 I have is giving up my customers that I've worked years  
13 for, for other repairs. And so, anyhow -

14 CHAIR WEISSER: Thank you, Chris. Any other  
15 comments from the public?

16 MR. TRIMLETT: I have a comment on legislation.

17 CHAIR WEISSER: Thank you, Len.

18 MR. TRIMLETT: We're talking about AB578, the bill  
19 to force a review of the test-only issues, okay.  
20 Nobody yet has ever been able to answer for me how does  
21 test-only clean the air. It don't. The fact is the  
22 only thing that cleans the air is when you repair a  
23 vehicle. That test-only station cannot repair that  
24 vehicle, so why do we even have it?

25 What you heard was right. Test-only has access to



1 100 percent of that marketplace and test-and-repair to  
2 50 percent. You're telling me as a consumer that I  
3 don't have a choice. Because I have a high mileage  
4 vehicle, my van or my truck, I'm being directed to go  
5 to a place where I have to pay for a smog test, and  
6 then if I fail, I've got to pay for a second test, and  
7 if I pass that test, then I've got to go back to the  
8 station again and pay for a third test to get it  
9 verified. We're talking test-only, test-and-repair,  
10 not Gold Shield and then back to a test-only. That's  
11 three smogs for the price of one. That's Jimmy Carter  
12 inflation. You're telling me - go ahead. CHAIR  
13 WEISSER: No, please continue.

14 MR. TRIMLETT: -that, why do we even have test-  
15 only? My rights, my right to choose the station I want  
16 is being denied. I would rather go to a place where I  
17 can one stop, get my repairs, tested, get my repairs  
18 and be on the road. Causing me to pay for three smog  
19 checks to get one is totally absurd. If you as a  
20 Committee want to do anything productive, which I  
21 sometimes wonder, the first thing you should do is  
22 recommend elimination of the test-only system. Go back  
23 and let us get our smog check wherever we want. That  
24 AB578 should be amended to give the consumer the choice  
25 to go where he wants, not to build on a high emissions

1 profile system that I question. I got dragged into the  
2 emissions profile - I'll be short.

3 CHAIR WEISSER: You'll be very short.

4 MR. TRIMLETT: I got dragged into the emissions  
5 profile on my van and my truck because they were high  
6 mileage. The van had just had an engine replacement  
7 not less than two months before.

8 CHAIR WEISSER: Thank you, Len.

9 MR. TRIMLETT: Absurdum ad nauseam.

10 CHAIR WEISSER: Thank you, Len.

11 Any further comments? Sir? If you could identify  
12 yourself and tell us how you got your injury.  
13 Motorcycle.

14 MR. RILEY: My name's Steve Riley, I'm a smog  
15 technician, I also own a test-and-repair station. A  
16 couple things, and I just wanted to say while I had it  
17 in my head, on the test-only, I'm a test-and-repair  
18 station. I think part of the reason why the test-only  
19 is there is there's a big difference in the failure  
20 rate at a test-only and a test-and-repair, and in my  
21 experience I think the biggest cause of that is test-  
22 and-repair stations not inputting into the computer  
23 what they've actually done to the vehicle because  
24 they're in a hurry and they're not really know the  
25 importance of entering the information.

1           When you go to test-only, if you have a simple  
2 repair, the test-only, they can't repair it so they  
3 fail it, it's repaired and then it comes back and then  
4 it's certified so the computer gets into the computer,  
5 where if that same repair is done at a test-and-repair,  
6 the technician may repair the vehicle before he tests  
7 it and not enter it in as an after-repairs test, or he  
8 may test, you know, so that repair's done and it's  
9 never entered in there, and I think that's the main,  
10 one of the main reasons in the discrepancy between the  
11 failure rate at a test-only and a test-and-repair.

12           Another thing would be like someone comes in,  
13 their check engine light's on. Test-only is just only  
14 going to test the car and fail it. Test-and-repair  
15 may tell the person you're going to fail for your  
16 check engine light, let's fix it and, you know, then  
17 we'll test it and not enter it in as an after-repairs  
18 test.

19           So I think if we want to get rid of test-only, I  
20 think the technicians at the test-and-repair need to  
21 get better educated on the importance of actually  
22 entering into the computer the repairs that they're  
23 doing so that it's, you know, that information is  
24 available and, you know, we know what's going on.

25           And you know, going - I know we talked earlier

1 about the education of people who own their cars and,  
2 you know, keeping the upkeep and I know that's going to  
3 be a later topic on, you know, vehicles being tested,  
4 passing and then failing later, and a lot of that does  
5 come to maintenance and some people just don't take  
6 care of their cars. And like the gentleman said  
7 before, if it's running, their not going to bring it  
8 in, you know, they don't bring it in until it breaks.

9 Another thing that gets people in is when they  
10 need a smog check. And a lot of people if, you know,  
11 that's when they get their oil change, that's when they  
12 get car tuned up is when they get their renewal notice  
13 that says you need a smog check.

14 So, that tends to be, you know, some people take  
15 great care of their car, some people don't. The people  
16 that, you know, that need a little push are the people  
17 that only bring it in when it breaks down or when they  
18 need a smog check. Which seems on the other education  
19 thing, if you have better educated technicians and  
20 getting more cars in to get their smog, because like  
21 right now a new vehicle doesn't get smogged for about  
22 seven years. So, but, we'll go into that later. But  
23 that's all I got.

24 CHAIR WEISSER: Hang on. Jeffrey?

25 MEMBER WILLIAMS: I've been studying some of the

1 data about smog checks that come from the computers and  
2 so I'm quite interested in what you say about, let's  
3 call them pre-repairs -  
4 MR. RILEY: Yeah.  
5 MEMBER WILLIAMS: -or something like that. Is  
6 there a way to deduce from the electronic record itself  
7 that a pre-repair might have been done at test-and-  
8 repair, even without it being entered, the lapse of  
9 time between tests on the same machine? What might I  
10 look for to deduce if this is happening?.  
11 MR. RILEY: That there's been a repair done?  
12 MEMBER WILLIAMS: Yes. Even though it's not -  
13 MR. RILEY: Not been entered?  
14 MEMBER WILLIAMS: - not been entered. Is there  
15 some, would there be some symptoms that might emerge?.  
16 MR. RILEY: Yeah, well you know, it's hard to say  
17 because there's, you know, so many different things a  
18 vehicle can fail for. There are, you know, different  
19 ways it can be entered in. It can be entered in as an  
20 after-repairs test. Even if the vehicle has never  
21 failed, if you do the test, at the end you can enter in  
22 information on something that you might have done as a  
23 pre-test repair.  
24 And you can even go in later and enter that  
25 information in. You can go in, I'm not sure what the

1 exact amount of time you can, but you can go into it  
2 three days later and enter in repair information on a  
3 certain vehicle if you don't enter it in at the time  
4 that you did the test. But if you're talking about  
5 like having a vehicle fail and then it passes say a  
6 week later but there's been no repair information  
7 entered in, are you asking is there something you,  
8 without the information being entered in the computer,  
9 is there a way you can determine what might have been  
10 done to that vehicle?

11 MEMBER WILLIAMS: Yes. More a pattern, we see a  
12 pass for a test-and-repair station -

13 MR. RILEY: Yeah, you -

14 MEMBER WILLIAMS: - but it was probably repaired.

15 MR. RILEY: Right.

16 MEMBER WILLIAMS: Is there something that might be  
17 a tipoff to that in the, by the types of thing that it  
18 passed?

19 MR. RILEY: Yeah -

20 MEMBER WILLIAMS: I can see a gas cap -

21 MR. RILEY: Yeah.

22 MEMBER WILLIAMS: - someone's going to spot and  
23 so -

24 MR. RILEY: As far as emission failures, if you're  
25 pretty familiar with what causes failures and what the

1 most common repairs are for that, you can look at the  
2 two different smog inspection reports and look at the  
3 emissions and have a pretty good idea of what it needed  
4 and what repair was done. I know some of the people at  
5 the Bureau of Automotive Repair that look at our  
6 inspections and they have a pretty good idea of what's  
7 been done.

8 But there's no exact, because you could have a  
9 vehicle that failed and it's obvious that it may have  
10 had a catalytic converter put on, but then there's  
11 also some vehicles may have a catalytic converter  
12 that's not, that doesn't start to work until it gets  
13 really hot. And someone may take their vehicle in,  
14 drive it in, drive two miles, get a smog test, and even  
15 though their vehicle is, you know, sufficiently warmed  
16 up, it may fail because the catalytic converter is  
17 maybe working at 50 percent and doesn't get hot enough  
18 unless it's run real hot. And the next time they get a  
19 test, they may drive to a different place or they may  
20 drive from somewhere else, they may drive ten miles and  
21 the vehicle be, you know, warmed up a lot more and may  
22 pass, so, you know -

23 CHAIR WEISSER: Let me interject here if I might.  
24 It seems to me what I'm hearing Jeffrey say is he wants  
25 some input or advice from people who are doing the work

1 to see if there's an opportunity to identify  
2 circumstances that you could. And I'm wonder if, you  
3 know, using an ET Blast or some other way, you might be  
4 able to solicit input or advice from a broad number of  
5 techs. Anyhow, that's something you and, I think you  
6 and Rocky need to chat about, and maybe with Dennis and  
7 Randy to see whether there's some opportunities there  
8 to come up with data. My instinct tells me this is not  
9 going to be an easy one.

10 Thank you very much, Steve.

11 MR. RILEY: Thank you.

12 CHAIR WEISSER: Randy?

13 MR. WARD: Thank you, Mr. Chair. Randy Ward  
14 representing California Emissions Testing Industries  
15 Association. I just wanted to mention to the Committee  
16 that the Bureau right now is refining the new contract  
17 for the collection of data, and I don't know whether  
18 they're actively seeking any peer review, they haven't  
19 sought it from me, but for somebody who has worked with  
20 that data, and our association makes the data available  
21 to its members, so we have someone who works it and  
22 you have to use a database program and Dr. Williams  
23 knows well what I'm talking about.

24 The data dictionary, it was never looked at from a  
25 manager's perspective. If a manager looked at it that



1 knew something about a computer, they'd come to the  
2 immediate conclusion that whoever designed this made  
3 some glaring mistakes, and I'm being very courteous.

4       So, I'm just saying that within the context of the  
5 question you're raising, Mr. Chair, this is a good time  
6 to, you know, maybe raise the issue to the Bureau and  
7 say, hey listen, there may be some data here, there may  
8 be some required inputs into the system before you can  
9 complete the test subsequent to a repair. Those are  
10 issues that are very ripe right now, thank you.

11       CHAIR WEISSER: You mean there might have to be an  
12 affirmative selection of yes/no on repairs, pre-test  
13 repairs, that kind of stuff. Whatever.

14       MR. WARD: Whatever.

15       CHAIR WEISSER: Wayne, I think this is some input  
16 that, you know, has been offered to you that might be  
17 helpful. There seemed to be some level of frustration  
18 expressed by Mr. Ward that perhaps through this update  
19 process you might be able to –

20       MR. RAMOS: We can consider that, but there's so  
21 many alternatives as to the situation at hand when a  
22 car comes in for an inspection, you know, obviously.

23       CHAIR WEISSER: Yeah.

24       MR. RAMOS: And given the factors of which the way  
25 the outline of the protocol –

1           CHAIR WEISSER: Let's not talk about it in the  
2 context of this specific issue, let's talk about it in  
3 the context of your development of the database in a  
4 form that other agencies and other stakeholders can  
5 utilize for a variety of purposes. I think that's the  
6 nature of the suggestion that I heard from Mr. Ward,  
7 that now is an opportunity for you to kind of open up  
8 the process to get advice and input from stakeholders  
9 who rely on the data collection that you guys  
10 accomplish. That's all I'm -- and I guess what I'd be  
11 asking you is to bring that request, I guess, back to  
12 management and say that the IMRC expressed, or I am  
13 expressing on behalf of the IMRC a request for the  
14 Department, for the Bureau to explore whether or not  
15 this is an opportunity to open the process up to allow  
16 for that sort of input and advice. You might be able  
17 to save a lot of time and headache. And just trying to  
18 be constructive here, Wayne.

19           MR. RAMOS: Okay, I'll bring that message back.

20           CHAIR WEISSER: Okay. We have two more -- this is  
21 on legislation. No. This is on legislation. No.  
22 Okay, we'll come back to that.

23           What I'd like to do now is to take a ten-minute  
24 break, so I don't care what time is on your watch, but  
25 ten minutes from now we'll come back, we'll take your

1 two questions and no others and then we're going to  
2 move to the next item on the agenda, okay? So we'll  
3 adjourn for ten minutes.

4 (Off the record)

5 CHAIR WEISSER: Okay, is the tape-recorder on?  
6 Webcast? Okay. Okay, if I could ask folks to take  
7 their seats we'll reconvene, and I think we had two  
8 questions remaining before we move on to the next  
9 subject, one from Bud. Questions or comments.

10 MR. RICE: Yes, I'm Bud Rice with Quality Tune-up  
11 Shops. A couple of quick points.

12 The first one is, was that the pre-testing and  
13 pre-repair was an accommodation that was made to  
14 consumers to try to keep them from having to do any  
15 kind of bounce-back, that kind of thing. I can't  
16 recall, to be honest with you, whether or not that was  
17 industry that was driving that or the public that was  
18 driving that, but in the end that actually harpooned  
19 the test-and-repair industry because I think that's  
20 what led to the discrepancy, a large part of the  
21 discrepancy between test-only and test-and-repair.

22 There really isn't a dataset that you can derive  
23 from something being done here and then a test being  
24 done later on and then trying to correlate those things  
25 together. All you're really going to get is, I got a

1 glob of cars that something happened and I don't know  
2 what. You know, I can look at this, I can look at  
3 this, but now I got this glob in the middle that I  
4 think something happened, I just don't know what  
5 happened.

6 And then finally, I think the only answer, and the  
7 gentleman who has the arm in the sling, you know, at  
8 least his brain is intact because he was speaking  
9 pretty good, so I'd like to say on that regard that the  
10 only way to really solve that is to test them as they  
11 roll. That has to be the way you go, test them as they  
12 roll, and then after that initial test, then if you  
13 want to do a fix-up for that customer if they decide to  
14 have it done, great, but it's the only way you're going  
15 to get true data, data that you can count on, data that  
16 you can look at. Because I agree, things are happening  
17 so fast and furiously at the shop level that guys are  
18 just trying to accommodate their customers and get them  
19 going, so the only way to really stop that to get it so  
20 that you can get pure data is test them as they roll.  
21 Thank you.

22 CHAIR WEISSER: Thank you. Chris.

23 MR. ERVINE: Chris Ervine with STARS. One of the  
24 problems we have, test-only is not required to enter  
25 any data as to what was repaired on the vehicle, only

1 test-and-repair industry is required for that. Many of  
2 the vehicles that we see that come rolling into our  
3 shop that have failed at a test-only shop, they just go  
4 right through, because we do a baseline test, which is  
5 a full smog test on any car that comes in just to see  
6 where the emissions are. We find many of them properly  
7 pre-conditioned go right through and pass with no  
8 repair at all, and some of them with a huge difference  
9 in emission reductions on the after-repairs test.

10 If we're after some really valuable information, I  
11 think one thing that will really help everybody is if  
12 test-only is required to enter in the repair  
13 information that is done on vehicles. They would have  
14 to see the repair order from the other shop, and then  
15 also enter in the ARD's number so that BAR knows who's  
16 doing these repairs.

17 Many of these vehicles are being repaired at shops  
18 that are not Smog Check stations, which is illegal but  
19 is being done, and I think that this would give a lot  
20 of valuable information to BAR in analyzing what's  
21 going on with the Smog Check Program. And I think that  
22 to get the kind of information that we need from the  
23 test-and-repair industry is a matter of educating the  
24 technicians and the shop owners as to how valuable this  
25 information is to be entered in there, so that it can

1 be looked at, analyzed and dissected.

2 CHAIR WEISSER: Thank you, Chris. I am surprised  
3 that there isn't a more concerted effort coming from  
4 the industry itself to ensure its techs are doing just  
5 that. I kind of wish Dennis was here. But I think the  
6 points you've raised are well taken.

7 I also, I don't know and this is part of the data  
8 gap that we're dealing with, how much of the  
9 differences that are reported between test-and-repair  
10 and test-only are due to what we've just been talking  
11 about or what we talked about earlier this morning  
12 associated with the nature of what type of cars are  
13 directed to test-only versus those that go to test-and-  
14 repair, and I don't know.

15 MR. ERVINE: I know, and I fell into the same  
16 thing when we were first into the program and it took  
17 an education and going to a lot of meetings, this  
18 meeting, BAR meetings, and talking before I realized  
19 how valuable the information was, and I think that it's  
20 something that really needs to be impressed on shop  
21 owners.

22 And I think if we could get the same information  
23 from the test-ONLYs as to the type of repairs that are  
24 being done, because quite frankly, I have seen vehicles  
25 that have been to test-only five times and failed, that

1 have been to another shop and repaired or the owner has  
2 attempted the repairs and then they finally bring it to  
3 my shop to have it repaired and it passes. So there's  
4 really some valuable information out there that test-  
5 only could enter in there, you know, hey, this is an  
6 owner-type repair, and also the test-and-repairs could  
7 enter in that type of information as well.

8 CHAIR WEISSER: Thank you, Chris.

9 - oOo -

10 Okay. I'd like to move, if we could, to the next  
11 subject area, and Rocky, what's your suggestion as to  
12 how we should proceed and what order we should proceed?

13 MR. CARLISLE: What I was going to suggest, Mr.  
14 Chairman, we have a presentation under tab three of  
15 your binder that was put together by Jeffrey Williams  
16 with regard to older model year vehicles, and that was  
17 part of actually the determining causes for program  
18 avoidance but it was one of the things we were looking  
19 at, too, was where do these older vehicles reside and  
20 who owns them, so he has a presentation so I suggest we  
21 begin with that.

22 CHAIR WEISSER: Sounds like a plan to me. Is it  
23 okay, Dr. Williams? Then please proceed.

24 MR. CARLISLE: If I may, somebody might kill the  
25 lights back there so they can see from the audience the

1 presentation better.

2 CHAIR WEISSER: Let's bring it up and see if the  
3 audience can see. Can everybody see? You can see?  
4 Oh, it's perfect, it's okay. Okay.

5 MEMBER WILLIAMS: And we're trying the technology  
6 of having me seated so that I actually use the mike.  
7 Mr. Peters has remarked on that problem before, but  
8 this introduces me needing to use a clicker technology  
9 here to get the next items on the screen, and that will  
10 probably be found to be beyond my abilities.

11 [Begin slide presentation]

12 The subject I'm talking about today is an analysis  
13 of the DMV registration data that Rocky Carlisle  
14 alluded to some time ago. I've been working on this  
15 the last couple of weeks and will be the first to say  
16 that I'm barely scratching the surface of this  
17 particular dataset and haven't even begun what I think  
18 is ultimately the most interesting project, which is to  
19 put this particular dataset together with the Smog  
20 Check data that we've talked about before, with the  
21 idea of tracing particular cars' history and also what  
22 happens to their sister and brother cars, if I may call  
23 them that since they all live in the same household.

24 MEMBER LAMARE: The siblings.

25 MEMBER WILLIAMS: The siblings of these cars.



1 Several of you in the audience have remarked that those  
2 who poorly maintain a car probably poorly maintain  
3 their other car, and I think that's true and perhaps  
4 we'll ultimately be able to find that in the data, but  
5 first we have to identify households of cars and that's  
6 much of what I'm talking about today, but I'm also  
7 interested in a question that concerns one of the  
8 policy implications of the April 2004 report or  
9 whatever it will finally be called, because one of the  
10 recommendations was to have annual testing of cars  
11 fifteen years and older, and I'm trying to concentrate  
12 on that subject today.

13       Specifically, we have, I call them two extreme  
14 hypotheses here. Are these older cars, which I'm  
15 defining as 1975 to '89 vehicles, owned by someone  
16 possessing only that one vehicle and living in a poor  
17 community, in which case there's a considerable  
18 economic justice issue about having an annual test?

19       Based on at least a sample of one that I know of,  
20 a person who owns a 1987 VW Golf that is poorly  
21 maintained and also owns a 1998 Jetta which is poorly  
22 maintained – it was washed once last year – that I  
23 think it's possible that someone possessing – that this  
24 older vehicle could be owned by someone possessing  
25 other vehicles and living in at least a richer

1 community, so with these two extremes in mind, I was  
2 trying to do some analysis of who owns these older  
3 vehicles.

4 Obviously, I don't know anything about the  
5 particular individuals and their income and so forth,  
6 but I think we can get some general feeling about this.  
7 These are clearly two extremes and I don't think it  
8 will surprise anyone that the truth is going to fall  
9 someplace much more in the middle, but this may then  
10 tell us something about both the need for annual tests  
11 and who would actually bear that cost, but also  
12 something about which cars are contributing to a  
13 pollution reduction if they're off the road, but we're  
14 not quite ready to say that yet.

15 Uh-oh. I told you it was hard. There we go.

16 I have the dataset from the Department of Motor  
17 Vehicles through Rocky Carlisle as of January 1st,  
18 2005, that includes for each vehicle its vehicle  
19 identification number, the license plate and the date  
20 paid through – let me explain that in a moment – and a  
21 category of registration such as whether it's a  
22 commercial vehicle or not. There are no heavy duty  
23 trucks or anything in this dataset, these are light  
24 duty trucks but it might be a commercial registration,  
25 there's a separate code in the DMV. Also there's a

1 separate code if it's a vanity plate and so forth. It  
2 includes several fields for the owner's name and  
3 address and if it's a lease, the lessor and the lessee,  
4 and there are all kinds of permutations that I'll talk  
5 about in a bit.

6 One of the data fields is the date paid through,  
7 so it says a specific date that the registration is  
8 current through, and some of them in the dataset are  
9 fairly out of date. Delinquent might be another word,  
10 but I prefer to be more optimistic here and say that  
11 they're current registrations or not current, and I'm  
12 going to say anything that's not current is before  
13 2004, which is actually in some cases delinquent, but I  
14 thought I'd make that cut.

15 I've excluded from this dataset vessels, meaning  
16 boats, motorcycles, trailers and vehicles in government  
17 fleets. There weren't too many of those. There were a  
18 lot of motorcycles and something like three million  
19 vessels? I can hardly believe it.

20 The total number of registrations in the State of  
21 California is over 31 million, and there's something  
22 like 25 million vehicles left after I've excluded these  
23 other categories, so that's another absolutely gigantic  
24 —

25 MEMBER LAMARE: Twenty-five million vehicles.

1           MEMBER WILLIAMS: Million vehicles, more or less,  
2 you know –

3           MEMBER LAMARE: Subject to Smog Check.

4           MEMBER WILLIAMS: No, these are not necessarily.  
5 No, these could be 2005 vehicles.

6           CHAIR WEISSER: 1960.

7           MEMBER WILLIAMS: 1960 vehicles, light duty. As I  
8 understand it, excluding the heavy duty vehicles.

9           MEMBER LAMARE: So it's all light duty vehicles.

10          MEMBER WILLIAMS: All light duty vehicles.

11          I'm interested in are there any different patterns  
12 by the wealth of the car owner, but I don't know that  
13 and never will, but we have some information about  
14 Census codes by zip code. Jude provided –

15          MEMBER LAMARE: From UC Santa Cruz.

16          MEMBER WILLIAMS: – from UC Santa Cruz, excuse me,  
17 where they've done some analysis by every zip code in  
18 California that has from the U.S. Census of 2000 the  
19 median income in that zip code. I decided to  
20 concentrate on two extremes here where I looked at the  
21 median income ranked by zip code of the highest 100  
22 median incomes and the lowest 100 median incomes. I  
23 also put on the restriction that there had to be a fair  
24 number of people living in the zip code, because there  
25 are some that there are only 5, 6 or something it seems

1 | like and I didn't want to do that. So -

2 | CHAIR WEISSER: Question, Jeffrey. The hundred

3 | highest and hundred lowest is the hundred highest zip

4 | codes?

5 | MEMBER WILLIAMS: Zip codes.

6 | CHAIR WEISSER: How many zip codes do we have in

7 | California?

8 | MEMBER WILLIAMS: Sixteen hundred or something

9 | like that.

10 | CHAIR WEISSER: Gosh, I didn't realize that.

11 | MEMBER WILLIAMS: I could have done an analysis of

12 | all the data, but -

13 | MEMBER LAMARE: It gets a little mushy in the

14 | middle.

15 | MEMBER WILLIAMS: - but it gets a little mushy in

16 | the middle. And everybody is going to say and I'd be

17 | the first to agree that there can be some relatively

18 | poor people living in the rich zip codes and some rich

19 | people living in the poor zip codes. I hope that comes

20 | out in the wash. This is the first cut through the

21 | data to see if there are any differences by these zip

22 | codes. As you'll see in a moment, about 15 percent of

23 | the total vehicles are considered in this.

24 | Let me flash through very quickly the zip codes

25 | that are in the rich group, and I hope you find your

1 zip code here.

2 CHAIR WEISSER: No.

3 MEMBER WILLIAMS: No? I —

4 MEMBER LAMARE: You're in there?

5 MEMBER WILLIAMS: I used to be in 94301, which is  
6 part of downtown Palo Alto, and I moved before the 2000  
7 Census, which is probably why it's now in the rich  
8 group, but that means my two cars aren't going to be in  
9 the analysis.

10 Here are the zip codes in the so-called poor  
11 group. I hope you don't notice any of these zip codes,  
12 particularly from firsthand experience.

13 MEMBER LAMARE: That's my zip code.

14 MEMBER WILLIAMS: That's your zip code, right,  
15 there is one, right? There's several in Sacramento.

16 MEMBER LAMARE: Downtown Sacramento.

17 MEMBER WILLIAMS: Downtown Sacramento is here and  
18 you see there are a lot of downtown L.A., the 90001, 2,  
19 3, 4, those are all central L.A. 90001's, right?

20 I should say I've also excluded vehicles that did  
21 not have a California zip code, and let me say that the  
22 main analysis here is based on the addresses. I'm  
23 implicitly saying that by zip code I feel that people  
24 probably fill out the DMV registration reasonably  
25 accurately for their address, especially their zip

1 code, or the pay again notice would never get there, so  
2 I'm doing an analysis here of zip code first, street  
3 address second, name third, and I'll show you a bit  
4 about that in a moment. So I have these two groups and  
5 I hope there's some contrast between them. Let's look.  
6       The two groups, I summed up the housing units  
7 according to the UC Santa Cruz data and there are quite  
8 a few housing units in each of these, but even more the  
9 number of vehicles. Although this is a subset of the  
10 total DMV registration, I'm looking at a large number  
11 of vehicles here, and let's see -  
12       MEMBER LAMARE: It's not a small sample.  
13       MEMBER WILLIAMS: It's not a small sample. This  
14 is an enormous dataset yet again.  
15       I find that in the rich group of zip codes the  
16 median model year of the car is a 1999. We're going to  
17 look at a lot more data about that in a moment, but it  
18 fits with our stereotype that older cars are held in  
19 poor communities.  
20       Notice the commercial. Many of the registrations  
21 in the poor community are these commercial  
22 registrations, but quite a few in the rich too. The  
23 rich not surprisingly seem to lease cars much more than  
24 the poor community and have a lot more vanity plates.  
25 And there's a difference also in whether the

1 registration is current or not. Delinquent being  
2 another name for not current.

3 CHAIR WEISSER: These all seem to be indicators  
4 and supportive of the stereotype that you might walk in  
5 with.

6 MEMBER WILLIAMS: Yes, yes, I think they are.

7 But now it gets a little more complicated. Here  
8 are the age profiles in these two groups, all cars  
9 counted, or vehicles counted together, and so I've just  
10 gone through the DMV data and asked was it a 1993 car  
11 and I put it in a bin, so these are the percent. There  
12 are slightly more vehicles in the rich zip group than  
13 not, but you can also interpret this pretty much as the  
14 total number of vehicles since they're similar. I've  
15 done it as percent.

16 Not surprisingly, in the rich group there are a  
17 lot of people with quite new cars, but there are a lot  
18 of cars that are fairly old, including a fair number  
19 that are pre-1975. There are more of those pre-1975 in  
20 our so-called poor zips, as also the number of 1989 and  
21 before cars, but there are a fair number of new cars  
22 too. I find it interesting how flat that bottom is.  
23 There's a difference between these, but it's not like  
24 all the old cars are owned in the poor zips and all the  
25 new cars are in the rich zips.



1           Let's look at the '75 to '89 subset, so these are  
2 cars in these zip codes that have these model years,  
3 and the poor have a lot more than the so-called rich,  
4 but there's a big result here. A lot of older cars are  
5 owned in rich zip codes. Maybe a third of them, a  
6 third of these vehicles are in the rich group.

7           MEMBER LAMARE: Okay. Now, okay.

8           MEMBER WILLIAMS: So –

9           MEMBER LAMARE: Wait, wait.

10          MEMBER WILLIAMS: – let's be careful here.

11          MEMBER LAMARE: Wait. You've got the ends of the  
12 spectrum.

13          MEMBER WILLIAMS: Ends of the spectrum.

14          MEMBER LAMARE: And you've added together the  
15 total number of vehicles that are '75 to –

16          MEMBER WILLIAMS: '89, and those two ends of the  
17 spectrum –

18          MEMBER LAMARE: – '89, into one group.

19          MEMBER WILLIAMS: Yes.

20          MEMBER LAMARE: Okay. You're not talking about  
21 all vehicles in that age group.

22          MEMBER WILLIAMS: No.

23          MEMBER LAMARE: Of that group, one-third are in  
24 the rich zips.

25          MEMBER WILLIAMS: Yes. And I'm not looking at all

1 1975 to '89 cars here, not yet.

2 MEMBER LAMARE: Yeah, and that includes collector  
3 cars.

4 MEMBER WILLIAMS: It's going to include all that.  
5 It includes a lot of cars that don't have a current  
6 registration.

7 CHAIR WEISSER: Ten percent.

8 MEMBER WILLIAMS: Ten percent of the rich and  
9 16.09 in the poor, so I don't know what those cars are.  
10 They may have long since been junked but nobody's  
11 bothered to tell DMV. They may be sitting in  
12 somebody's backyard. They may be driven around. I  
13 don't know. I just know that they're not current.

14 And the proportion of these cars that has a  
15 commercial registration is higher than the fleet's as a  
16 whole, and the leases have disappeared. I don't know  
17 why any are leased, but a few are. And the vanity  
18 plates seem to be –

19 MEMBER LAMARE: (Inaudible) vanity plates.

20 MEMBER WILLIAMS: So this, you know, could – I'm  
21 lumping here somebody's prized 1980 Fiat with a special  
22 vanity plate with some, you know, some junker. Not  
23 that fix-it-again Tony isn't necessarily –

24 CHAIR WEISSER: Okay.

25 MEMBER WILLIAMS: We're running kind of late?

1 Okay. I used to have one of those so I can make snide  
2 comments.

3 I'm particularly – let's switch topics a bit. I  
4 want to know who owns these cars, and particularly  
5 these older cars, are they owned by a household that  
6 owns another car? So let me digress a little bit and  
7 talk about how I determined what was a car household.

8 This is not a dataset where we had the U.S. Census  
9 which already defines what a household is and asks how  
10 many cars were owned. I'm inferring from the DMV  
11 dataset a car household, so this is cars and their  
12 siblings who happen to be cared for by the same human,  
13 or group of humans let us say, right? And so the  
14 households that we will see by definition have to have  
15 at least one car, while many human households don't,  
16 but car households do, okay?

17 In the DMV data are entries such as I show here.  
18 Two plates, I didn't want to bore you with the VIN's.  
19 I have enough trouble remembering my license plates.  
20 This is my address, these are what the records look  
21 like. I think we can say that this is a car household,  
22 these two cars are paired. And I've written a computer  
23 program that finds these matches. It first finds all  
24 the 95616 zip codes, although that isn't one of the  
25 ones in either of the groups, and then checks the

1 address, which here is 810 Plum Lane, and checks the  
2 name and there's a perfect match. That is a car  
3 household by my definition.

4 CHAIR WEISSER: But if it was Jeff Williams at 810  
5 Plum Lane, would that result in a match?

6 MEMBER WILLIAMS: Well, or Jeffrey C was actually  
7 how I filled out one of these things. That would  
8 result in a match because I've decided that if the  
9 address is a perfect match and the last names are a  
10 perfect match, it's probably a match. I've had to  
11 judge what is a household, and there's some ambiguity  
12 partly because of the way people fill out this  
13 particular registration form and also because of the  
14 way domestic arrangements happen, and let me give you  
15 an example.

16 MEMBER LAMARE: Being as they are.

17 MEMBER WILLIAMS: Being as they are. This is  
18 hypothetical in that I actually filled out the  
19 registration the other way, but many of the entries in  
20 the DMV dataset are like the one I'm showing you here  
21 where it says Williams, Jeffrey or Strazdes, Diana, and  
22 then there's another person at the same address that  
23 matches, right, and I've written a computer program  
24 that will call this a car household because there is a  
25 second owner on the first one, right? Now, I happen to

1 know that these two individuals have a legal  
2 relationship that suggests it's a household ever since  
3 I discovered that married student housing at Yale was  
4 \$10 a month cheaper, but –

5 CHAIR WEISSER: The transcriber will excise that  
6 from the record to prevent a homicide, please.

7 MEMBER WILLIAMS: Oh, she don't ever read these.  
8 But I want to say that this is a problem in defining a  
9 car household, and I've been very conservative in the  
10 analysis I'm reporting today and were it not *or*  
11 *Strazdes, Diana*, so the second part isn't there on the  
12 one. I have two people living in the same residence  
13 but different last names especially, and I've said  
14 they're not a car household, which is probably quite  
15 conservative.

16 CHAIR WEISSER: Yeah.

17 MEMBER WILLIAMS: So we can go back and  
18 (inaudible) surely. If they have the same last name so  
19 it could be two sisters, I'm calling that a car  
20 household, if the address is a perfect match.

21 CHAIR WEISSER: Apartment houses, apartments?

22 MEMBER WILLIAMS: Can it wait? I'll answer that  
23 question with, what do you do with this one? Well –

24 CHAIR WEISSER: You push the right button. This  
25 was going along so well, Jeffrey.

1           MEMBER WILLIAMS: Yeah, well.

2           CHAIR WEISSER: There we go.

3           MEMBER WILLIAMS: There are a number of records  
4 that look like this.

5           CHAIR WEISSER: (Inaudible)

6           MEMBER WILLIAMS: Humans can say this is the same  
7 guy, but it's hard to write a computer program to do  
8 it, let alone one that's going to go through three  
9 million records. I actually have written an algorithm  
10 that finds this by saying that really the street and  
11 apartment are somewhat superfluous information and I  
12 deleted that along with road, lane, boulevard and  
13 things like that, the number sign I took out, and I  
14 concluded that 'second' ought to be consistently  
15 abbreviated, and so my program will read this as 360  
16 2nd 15 and say it's the same address and see the same  
17 last name. If Mr. Taylor typed his name wrong or  
18 somebody typed it wrong, it will not be.

19           I've checked through examples of this and think my  
20 algorithm is doing pretty well for finding matches, but  
21 it hasn't found every one of them and I'll refine it a  
22 bit more, but I don't think it's going to affect  
23 anything we're talking about now. But the human  
24 ingenuity in filling out these forms is extreme.

25           MEMBER LAMARE: Lots of variation.

1           MEMBER WILLIAMS: Lots of variation.

2           MEMBER HISSERICH: It would be interesting to see  
3 if there's a bias between the rich and the poor.

4           MEMBER WILLIAMS: Rich and the poor, but I don't  
5 know, and anybody who'd like to suggest that bias, I  
6 don't know. I don't think so.

7           Anyway, I have written a computer program that by  
8 zip code searched through the addresses and the names  
9 and found matches, and it, I think, found a lot of  
10 matches and I'm not going to talk about those car  
11 households.

12           So, just to summarize back, again, we had  
13 1,932,000 vehicles in the rich zips. I've excluded  
14 from this households that had more than 15 vehicles,  
15 they're clearly commercial, often the rental car  
16 companies, and the total number of vehicles involved  
17 was 34,000, and of the remaining vehicles then I  
18 identified 1,025,953 car households. So about 1900 -  
19 1.9 million vehicles in the rich, if everybody owned  
20 two cars, I'd end up with 950,000 car households,  
21 right, so I've actually found a great number of  
22 matches. There are probably a few left, but I'm not  
23 going to worry about that right now.

24           So, what we're interested in is, how many cars  
25 does the typical car household own? Well, we are

1 interested in that. There. So again, I'm  
2 distinguishing by these two groups of zip codes, and I  
3 find that among the rich zips there are something like  
4 500,000 car households that seem to own only one car,  
5 but 300,000 that own two, 150,000 more or less that own  
6 three and so on. 49.28 percent of the households have  
7 more than one vehicle.

8 CHAIR WEISSER: And Bruce is in the sixes.

9 MEMBER WILLIAMS: And Bruce is in the – a lot of  
10 tens, twelves and all that. The sixes, you know, it  
11 looks like only a little blip on the diagram, but  
12 that's what, 10,000 people who own six cars.

13 CHAIR WEISSER: Well, 10,000 car households have  
14 six cars.

15 MEMBER WILLIAMS: Have six cars, yes.

16 CHAIR WEISSER: Yeah.

17 MEMBER WILLIAMS: The pattern is not that  
18 different in the so-called poor zips, although there  
19 are slightly more people that own only – or are only  
20 single car households, shall I call it that. Fewer  
21 have two and three, but still quite a few.

22 CHAIR WEISSER: Looks like ten percent more,  
23 fifteen percent more or something.

24 MEMBER WILLIAMS: Yeah. But all this is really  
25 about older cars, so now I'm going to ask the question,



1 suppose a car household has a car between '75 and '89.  
2 What does the distribution of cars in that car  
3 household look like? If it's the only car, it'll be a  
4 single car household, but it may have some sibling  
5 cars, right? So here's the main diagram that - oops, I  
6 double clicked, or how do I go back? There.

7 This is the main point of my analysis and what  
8 we've been getting to, the size of the - how many cars  
9 are grouped if one of them is a '75 to '89? In the  
10 poor community there are more of these cars that are  
11 the only car, but many of those cars have a sibling  
12 car. The majority of households that have a '75-'89  
13 car also have a sibling. That percentage is even  
14 higher in the rich zip group. Most cars of the older  
15 ones have a sibling, which I think changes our  
16 interpretation about whether these people might be able  
17 to afford a Smog Check annually.

18 CHAIR WEISSER: Let me ask you a question on this,  
19 Jeffrey. This does not differentiate whether the  
20 sibling is another '75 to '89 car or whether it's pre-  
21 '75 or post-'89; is that correct?

22 MEMBER WILLIAMS: It does not, but I have some  
23 information on that in my final analytical slide. Well  
24 - there.

25 So I asked, given that there is one '75-89 car in

1 this household, right, how many households are there  
2 with that? Car households, this is. I asked such  
3 questions as, how many of them have a sibling that is a  
4 2000 to 2005 car, which is a new car, right? Many of  
5 the older cars have a young sibling in the, both in the  
6 rich and the poor, much more so in the rich. And many  
7 of these older car vehicles are in a household with a  
8 commercial vehicle. They both could be commercial, I  
9 didn't ask that, and the leasing, but there's at least  
10 one commercial.

11 MEMBER LAMARE: (Inaudible)

12 MEMBER WILLIAMS: I don't - I haven't looked at  
13 these patterns. There's so many observations. I'll  
14 try to, but I find this really startling.

15 CHAIR WEISSER: Yeah.

16 MEMBER LAMARE: Working vehicles?

17 MEMBER WILLIAMS: Working vehicles. And I know  
18 from the registration much more about the car or the  
19 truck and I haven't started to do that, but the first  
20 thing was to see if there was anything interesting in  
21 this, and I guess the answer is yes. And does it  
22 answer any questions?

23 I would say we could conclude from this that the  
24 owners of these older vehicles live in rich as well as  
25 poor communities, but many live in poor communities.

1 The owners of older vehicles usually own at least one  
2 other vehicle, which often has a commercial  
3 registration, but many own just that one older vehicle.  
4 There's no dominant pattern, we're much more in the  
5 middle, but I think we're in the middle where a lot of  
6 people own multiple cars, one of them an old one.

7 CHAIR WEISSER: But the owners of these older  
8 vehicles who live in poorer neighborhoods compared to  
9 richer neighborhoods tend to have one car –

10 MEMBER WILLIAMS: Tend to.

11 CHAIR WEISSER: – far more than –

12 MEMBER WILLIAMS: Far more, yes.

13 CHAIR WEISSER: – folks in rich neighborhoods.

14 MEMBER WILLIAMS: Yes.

15 CHAIR WEISSER: Okay.

16 MEMBER WILLIAMS: Yes, but the majority have more  
17 than one.

18 CHAIR WEISSER: This is remarkable.

19 MEMBER WILLIAMS: Yes. They may be the rich  
20 person in their poor community, but the majority of  
21 these older cars have a sibling.

22 And so, I'm not even sure I answered the main  
23 question, but I know that I've certainly raised some  
24 other questions for myself. One of them is, why are  
25 there so many out-of-date registrations especially for

1 these older vehicles? DMV ought to be worried about  
2 that more than not, but I'm concerned about is this  
3 related to the performance on Smog Check? Does the  
4 reason a car go delinquent is that it failed a Smog  
5 Check? I ought to be able to tell that if I match  
6 these two datasets, and I plan to do that.

7 CHAIR WEISSER: How would you be able to tell  
8 that?

9 MEMBER WILLIAMS: Well, I know from this, well, I  
10 know if the registration is out of date. I know when  
11 it's paid through. I can go back into my five years of  
12 Smog Check data and see if it failed a Smog Check and  
13 never did –

14 Now, if some of these out-of-date registrations  
15 are 1998 or so, I don't have the Smog Check, but I  
16 think a lot of them are going to be in this 2000 to  
17 2004 window that I have and potentially I'm going to  
18 see if a failure of a Smog Check caused the vehicle to  
19 go delinquent, which means it was scrapped or it's a  
20 program avoidance, I don't know from that, but if  
21 there's a connection between those two, then we should  
22 be thinking about the program avoidance more.

23 I immediately wonder, well, if these older cars  
24 have siblings, are they being driven very much?  
25 Perhaps not. And so it matters less from an air

1 pollution issue what's happening to them.

2 With the Smog Check data, especially when I have  
3 two tests on the same vehicle, I can get an impression  
4 of the mileage per year on those vehicles and we might  
5 be able to answer this question. And most interesting  
6 I think we'll find out at least something about whether  
7 these older vehicles, if they fail Smog Check, does it  
8 depend on the other vehicles in the household, and this  
9 will be a way of testing whether the poorly maintained  
10 Golf is dooming the poorly maintained Jetta to fail a  
11 Smog Check, just to take one example. I think I'll be  
12 able to group the vehicles' performance on Smog Check  
13 by household, and that's going to be very interesting.

14 MEMBER LAMARE: Are you going to be able to  
15 identify vehicle abusers?

16 MEMBER WILLIAMS: No. Well, maybe, right? Maybe  
17 I can. Okay.

18 [End presentation]

19 MEMBER LAMARE: Very fascinating. Thank you.

20 CHAIR WEISSER: Once again, Jeffrey, you amaze and  
21 astound.

22 MEMBER LAMARE: Very much.

23 CHAIR WEISSER: You've used some, I think, really  
24 creative ways to try to isolate some of these  
25 variables, and I think some of this initial data is

1 pretty startling, actually, but I'm nowhere near being  
2 at a place to try to think of the implications, so this  
3 is something really worth thinking about.

4 MEMBER WILLIAMS: I don't plan to, either. I  
5 think it means we want to – that there's no obvious  
6 reason not to be thinking further about having an  
7 annual test. I can think of ways that would have  
8 looked worse, but it really does raise a lot of issues.  
9 I wish there were simpler answers about policy and  
10 about issues of program avoidance, scrappage, they're  
11 all in here and I'm amazed.

12 I also will say that dealing with these datasets  
13 is hard and I'm not sure I've got it all figured out.  
14 It took me about a week to figure out that in the  
15 coding that ELP, which was right under the propane-  
16 powered vehicles, I said, gee, there are a lot of  
17 electric vehicles in California. I finally realized  
18 that ELP meant an extra license plate, otherwise known  
19 as a vanity plate.

20 CHAIR WEISSER: Oh.

21 MEMBER WILLIAMS: So it's possible that there are  
22 some other misinterpretations in the data. I haven't  
23 quite understood in the DMV records what they mean by  
24 non-operation yet.

25 CHAIR WEISSER: Certificate for non-operation?

1           MEMBER WILLIAMS: I don't see that code.

2           CHAIR WEISSER: Really?

3           MEMBER WILLIAMS: So I must be misunderstanding

4 something.

5           CHAIR WEISSER: You know, the use of the fact that

6 you picked the two extremes, very understandable and I

7 think it draws some stark, in certain instances some

8 stark differences, but I'm wondering if in fact the

9 middle doesn't offer some pretty interesting. You may

10 find more of the middle income areas with a higher

11 proportion of older cars than in the wealthy and could

12 even rival the poor in terms of older vehicles.

13          MEMBER WILLIAMS: Yes. I've done all this in the

14 last ten days sort of non-stop. I think if I'd done it

15 again I'd had a middle one.

16          CHAIR WEISSER: Rocky stands ready to help you.

17          MEMBER WILLIAMS: Right in the middle 100, and

18 it's also clear that I'm implicitly assuming these two

19 100 on the ends are themselves quite similar and I

20 haven't looked at these profiles by each zip code.

21          CHAIR WEISSER: Oh, God.

22          MEMBER WILLIAMS: Right? And I think there's an

23 incredible variation. What if there's a huge

24 variation?

25          CHAIR WEISSER: Oh, I'm sure there's tremendous

1 variability.

2 MEMBER WILLIAMS: That only makes it more

3 difficult to sense any general pattern.

4 CHAIR WEISSER: Jeffrey, would I be accurate in

5 saying that as you progress on this that you're willing

6 and interested to sit down with either BAR or CARB and

7 share this data with them?

8 MEMBER WILLIAMS: Of course.

9 CHAIR WEISSER: In an open -

10 MEMBER WILLIAMS: The whole purpose -

11 CHAIR WEISSER: Very good.

12 MEMBER WILLIAMS: And I'll say that, even more

13 than the other presentations, this one is sort of hot

14 off the press, so I don't claim that I've got all this

15 programmed right. These are complex computer programs.

16 I might say in way of passing with just the

17 variation in the names that we all enter in here is

18 amazing, and the notion to me that we have a flight

19 watch list by names of suspected terrorists and some

20 computer program is going to tell us who they are,

21 after I've looked at the DMV registrations in

22 California, no way can this work. But that's neither

23 here nor there.

24 CHAIR WEISSER: Thank you for that confidence

25 booster.



1           MEMBER HISSERICH: I have a question, if I may.

2           CHAIR WEISSER: Please, John.

3           MEMBER HISSERICH: Somewhere in the Census data is

4 household size or median household size or number of

5 people. It would be interesting at some juncture, I

6 think, to figure out how to put that in, because, you

7 know, one anecdotally suspects that households with a

8 number of college age or high school age children might

9 have a lot of those hand-me-down cars that are in this

10 group. I mean, obviously this is a huge dataset, but

11 it would be interesting to take a look at that.

12          CHAIR WEISSER: Okay. We'll go to the audience

13 and ask for comments. Please, Mr. Peters.

14          MR. PETERS: Mr. Chairman, I'm probably not as

15 young as I used to be. I guess the fact that maybe I

16 didn't go to sleep at all last night preparing to come

17 today could be a factor, but I slept pretty well during

18 part of that presentation, partially because it was a

19 little hard to hear but that's another subject.

20          Did the presenter indicate how many California

21 plated cars do not have California zip codes? Did I

22 hear that?

23          MEMBER WILLIAMS: I said it in passing,

24 remembering off the top of my head about 250,000

25 California registrations do not have an address for the

1 owner in California.

2 CHAIR WEISSER: So these could be owned in Nevada  
3 or Canada or wherever.

4 MEMBER WILLIAMS: Mexico.

5 CHAIR WEISSER: But they're registered to operate  
6 in California.

7 MEMBER WILLIAMS: They're registered to operate in  
8 California, right, but the address, sometimes it's a  
9 corporate address, is outside of California.

10 MR. PETERS: So there's another little sneaky  
11 Safety Klean possible group of vehicles that are  
12 intentionally driving in California escaping the Smog  
13 Check Program, doing this.

14 MEMBER WILLIAMS: No, I think that group is doing  
15 quite the opposite, Mr. Peters, because it's not a  
16 Nevada plate in California, it's a California plate  
17 owned by someone living in Nevada. He's not trying to  
18 get out of Smog Check.

19 MR. PETERS: Oh? Well, that's what Safety Klean  
20 does. All of their vehicles are registered in Chicago  
21 with California plates -

22 MEMBER WILLIAMS: These are all registered -

23 MR. PETERS: - doing business in California.

24 MEMBER WILLIAMS: These are all registered in  
25 California, but the owner lives outside California.

1           MR. PETERS: No, the zip code indicates he's out  
2 of California, correct?

3           MEMBER WILLIAMS: Yes, but the registration is in  
4 the California registration database.

5           MR. PETERS: I understand that. What I said to  
6 you, Mr. Chairman, is that Safety Klean does business,  
7 operates in California continuously out of California  
8 plated vehicles that are zip coded to Chicago. They're  
9 used here every day, none of them ever get a Smog  
10 Check, and all of the registrations are in registered  
11 to Chicago. The cars are not in Chicago, they are  
12 here, but they don't get Smog Checks.

13          MEMBER WILLIAMS: Do they have a California plate?

14          MR. PETERS: Absolutely.

15          MEMBER WILLIAMS: Well, then they have to be  
16 smogged.

17          MR. CARLISLE: If I may, those are the vehicles  
18 that --

19          MR. PETERS: Zip codes outside of California do  
20 not. Only the California zip codes require Smog  
21 Checks.

22          MR. CARLISLE: Those are vehicles registered under  
23 the International Registration Plan, which we've talked  
24 about before, the IRP, and they in fact, they're  
25 apportioned for the State of California but they're

1 registered actually in their home state.

2 CHAIR WEISSER: So they're not subject to

3 California Smog Check -

4 MR. CARLISLE: They are not. They would be

5 subject to the smog or whatever applies in their home

6 state.

7 CHAIR WEISSER: - they're subject to the smog back

8 in -

9 MR. CARLISLE: Correct.

10 CHAIR WEISSER: Thank you.

11 MR. PETERS: That's not what I said about Safety

12 Klean. That is not part of an international program.

13 They register those cars in Chicago, use them here on a

14 daily basis, and they're not part of a program, they

15 are part of escaping Smog Check in my opinion

16 intentionally.

17 MR. CARLISLE: That is part of the IRP.

18 CHAIR WEISSER: Chris.

19 MR. ERVINE: Chris Ervine with STARS. Just a

20 little - unfortunately, my shop is located in one of

21 the poorer zip codes that you had up there. To kind of

22 give you a little bit of an idea of the type of people

23 that live in that area.

24 Retired people that they're on a fixed income.

25 They've owned the home for 40 years. It wasn't a, you

1 know, lower income area at the time, and they've just  
2 been there forever. And these people are on a fixed  
3 income and that's one reason why they have the older  
4 vehicles.

5       The others are younger people just starting out  
6 that don't have the better jobs. And I have a neighbor  
7 right next door to me, he owns five vehicles, three of  
8 them run, he's the only driver in the household. His  
9 wife doesn't drive, the kids don't drive. And I can't  
10 tell you whether or not those vehicles are all current  
11 on the registration. I know three of them are.

12       But you'll find a lot of this where lower income  
13 people will have more than one car, more cars than  
14 drivers in some cases, and this is the type of thing  
15 that we're looking at here, is people that can't afford  
16 to really fix a vehicle or even buy a newer vehicle.

17       CHAIR WEISSER: Thank you, Chris. Any other  
18 comments or thoughts? Sir.

19       MR. RILEY: Steve Riley, Sierra Smog. This is for  
20 Mr. Williams. When you asked me earlier about the Smog  
21 Check reports about trying to determine what may have  
22 been done to it without if there's no repair  
23 information entered? The only thing I can think of  
24 that might be useful is the CO2 reading. If the CO2  
25 reading like on the initial test was, say like 14.1,

1 and then on the next test it's like 15.1, chances are  
2 either the catalytic converter was replaced or the  
3 vehicle was tested at a significantly different  
4 operating temperature.

5       So, like if the vehicle failed for hydrocarbons  
6 and on the initial test it had a low CO2 reading and  
7 then had a high CO2 reading on the next, it may have  
8 just had a cat replaced or been warmed up more for the  
9 second test.

10       Whereas if you have the vehicle failed and then  
11 passed but you have pretty much the same readings all  
12 the way across but the hydrocarbons were lower, you  
13 know, for instance like that, then you probably had,  
14 you know, either some kind of, you know, ignition  
15 repair or something along the lines that would cause a  
16 hydrocarbon failure.

17       Or if you have a vehicle that fails for NOX,  
18 catalytic converter may be the correct repair for that.  
19 I don't know if that helps you out at all, but I was  
20 thinking about what you asked and that was what I could  
21 come up with.

22       CHAIR WEISSER: Thank you.

23       MEMBER WILLIAMS: Thank you, that helps. You see  
24 I like to look at the data.

25       MR. RILEY: Yeah.

1 CHAIR WEISSER: Okay. Robert.

2 MEMBER PEARMAN: I just want to ask Rocky again in  
3 terms of the CAP program, the fact that a vehicle is in  
4 the commercial category as Jeffrey described it has no  
5 effect on your CAP eligibility or does it have an  
6 effect?

7 MR. CARLISLE: No, it doesn't have any effect.  
8 The commercial plate just means it's a pickup truck  
9 without a camper. If it has a camper on it you can  
10 actually get a passenger vehicle plate, but otherwise  
11 any pickup truck registered in the state has to have a  
12 commercial plate.

13 CHAIR WEISSER: Excuse me. Any pickup truck  
14 registered in the state has to have a commercial plate?

15 MR. CARLISLE: Yes.

16 CHAIR WEISSER: I didn't realize that.

17 MR. CARLISLE: You can file for an exemption, but  
18 if you get caught carrying a cup of sand in the back of  
19 that pickup as opposed to a camper, you'll be fined  
20 heavily.

21 CHAIR WEISSER: That's something I wasn't aware  
22 of. So if I owned a pickup truck I could park in a  
23 commercial zone?

24 MR. CARLISLE: That, I don't know.

25 CHAIR WEISSER: Okay, how interesting. It is

1 12:15. What I suggest – do you want an hour or 45  
2 minutes, folks? One hour has been suggested. We will  
3 reconvene at 1:15, but before we depart, Rocky, what's  
4 left on our agenda?

5 MR. CARLISLE: The items for the report topics,  
6 there's a number of things I'd like to get the  
7 Committee's approval on so we can move them forward.

8 CHAIR WEISSER: Okay. So we have a couple hours  
9 of work ahead of us.

10 MR. CARLISLE: Yes.

11 CHAIR WEISSER: Okay. So we'll see everyone at  
12 1:15. Thank you, we're adjourned.

13 (Noon Recess)

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FEMALE VOICE: Yes, we are.

Okay, we're going to move into discussion on a few of our report topics. The first one is going to be on Smog Check inspection pre-conditioning.

MR. CARLISLE: Thank you, Mr. Chairman. Last time we talked about the station survey and a number of people had comments both on the Committee and those attending the meeting, and so I took those comments and crafted, if you will, this station survey and was hoping to get the Committee's buy-off on it so we can move forward.

MR. CARLISLE: I'm sorry, that's under item four. There's an overview for the subcommittee's association. The first document is the station survey questionnaire. There's also copies on the back table for those in the audience.

CHAIR WEISSER: Have people in the audience had a chance to look at these, particularly those that are

1 owners of stations?

2 MR. ERVINE: You're talking about the station

3 survey?

4 CHAIR WEISSER: Yeah. Please take a minute to

5 look it over.

6 MR. CARLISLE: One of the things we're attempting

7 to do is, first of all, define whether or not we have a

8 problem in this area. I mean, we've heard a lot of

9 anecdotal evidence, if you will, that the problem

10 exists, so we wanted to survey approximately 400

11 stations. And we're going to pick high volume

12 stations. We're not going to divide it up by air

13 basins like we did on the previous survey, we're just

14 going to go with a statewide enhanced area, the high

15 volume stations and do the survey in-house.

16 CHAIR WEISSER: High volume.

17 MR. CARLISLE: The selection I picked, Jeffrey

18 Williams gave me a selection of several thousand high

19 volume stations, I selected at random 400 of them. The

20 average turned out to be about 500 tests a month, so in

21 the grand scheme of things that's a high volume station

22 compared to a lot.

23 CHAIR WEISSER: I'm just wondering whether if we

24 only look at high volume stations we might be missing

25 some important information from low volume potentially

1 less sophisticated technicians.

2 MR. CARLISLE: That was certainly discussed.

3 CHAIR WEISSER: But you felt that it was desirable  
4 to get the high volume ones because that's where most  
5 of the cars are going.

6 MR. CARLISLE: Yes.

7 CHAIR WEISSER: This would be representative of  
8 stations where most of the cars are going.

9 MR. CARLISLE: And I thought as a result probably  
10 most of the problems if it does exist.

11 MEMBER LAMARE: Mr. Chairman.

12 CHAIR WEISSER: Ms. Lamare.

13 MEMBER LAMARE: Rocky, among the sample that you  
14 looked at, Jeffrey gave you 5,000 stations and you  
15 randomly chose 400, something like that?

16 MR. CARLISLE: I forget exactly how many. It was  
17 several thousand, wasn't it Jeffrey? Yeah.

18 MEMBER LAMARE: But how many were test-only, how  
19 many were test-and-repair, how many were Gold Shield?  
20 And in your sample how many are test-only, how many are  
21 test-and-repair, how many are Gold Shield?

22 MR. CARLISLE: I didn't bring that with me, but I  
23 can break that down.

24 MEMBER LAMARE: So we need to look at that.

25 CHAIR WEISSER: Yeah, I think that having a spread

1 that reflects that breakdown in the community would be  
2 really desirable.

3 MR. CARLISLE: Absolutely. That's why I tried to  
4 have fewer test-only than we did test-and-repair, on  
5 the one hand. Secondly, I suspect if there's a problem  
6 it's probably going to tend to be more at test-and-  
7 repair since the vehicles are typically, the ones that  
8 we've heard about are the ones that have gone to test-  
9 only and failed and then gone to test-and-repair and  
10 passed. But I think we need it from both populations,  
11 or actually in this case all three populations, Gold  
12 Shield, test-and-repair and test-only.

13 MEMBER LAMARE: What I was advising Rocky during  
14 the interim between meetings is that we just need to be  
15 really careful about what we say. We need to describe  
16 the universe we're talking about accurately, and then  
17 the sample accurately. And when we make inferences  
18 about what we've found, that we're clear about what we  
19 found and not generalize to the population as a whole.  
20 So I will help in that respect of focusing on what it  
21 is that we have and who it represents.

22 MR. CARLISLE: Okay.

23 CHAIR WEISSER: Jeffrey?

24 MEMBER WILLIAMS: Rocky, could you clarify how you  
25 took this. You took a random sample of the ones I gave

1 | you or – they were ranked by volume.

2 |       MR. CARLISLE: Right, but rather than the ranking

3 | by volume, I didn't know – it seemed we wanted a random

4 | sample as opposed to just all the high volume stations,

5 | so I did take a random sample of those higher volume

6 | and we ended up with some stations that were doing

7 | several thousand a month to some stations that are only

8 | doing a couple hundred a month in tests, and so I

9 | thought that would give us a better idea of the problem

10 | if it does exist.

11 |       MEMBER WILLIAMS: Well, then maybe I can clarify

12 | for everyone. It was actually the number of tests over

13 | three months, and I cut off those who had done fewer

14 | than 100 tests in three months, so I think we're

15 | actually getting a fairly wide –

16 |       MR. CARLISLE: Yes, we are, because I did not –

17 |       MEMBER WILLIAMS: – group that you sampled out of

18 | that.

19 |       MR. CARLISLE: Okay.

20 |       MEMBER LAMARE: Randomly.

21 |       MEMBER WILLIAMS: Randomly.

22 |       MEMBER LAMARE: (Inaudible).

23 |       MEMBER WILLIAMS: Okay.

24 |       CHAIR WEISSER: Are there any other questions from

25 | the Committee members at this time? Let's ask the

1 audience to give us some comments. Bud?

2 MEMBER LAMARE: I just have one, if I could

3 interrupt. I'm not sure that we have a method for

4 sampling technicians within the station. I'm a little

5 concerned that the way the questionnaire is worded

6 right now that we'll get the licensed technician who's

7 not working on a car at the time, who might be the

8 least likely guy to be doing inspections, so let's talk

9 a little bit offline about how we're going to select

10 the technicians to make sure we get technicians who are

11 most likely to perform a test at that station.

12 CHAIR WEISSER: Just have Janet call them at

13 dinnertime and get hung up on, like I hang up on

14 telemarketers.

15 That's good, I think that's an outstanding point,

16 but I am wondering with the cooperation of the industry

17 whether that might not be ameliorated at least to some

18 extent, they will perhaps inform the techs this is

19 something worth doing.

20 MEMBER LAMARE: (Inaudible)

21 CHAIR WEISSER: Yeah. Bud.

22 MR. RICE: Thank you, Committee. Bud Rice,

23 Quality Tune-up Shops. Quick question either for Bruce

24 or Wayne or perhaps Rocky.

25 Is there a stated written technical document from

1 the BAR's perspective as to proper pre-conditioning  
2 technique?

3 MR. CARLISLE: No.

4 MR. RICE: So that leaves it open to  
5 interpretation as to how guys are going to do it and  
6 what constitutes pre-conditioning and when it's done  
7 successfully or unsuccessfully; is that correct?

8 MR. CARLISLE: Correct. The law says it has to be  
9 warmed up and stabilized. Emission controls have to be  
10 warmed up and stabilized, and it leaves it at that.

11 Now, in the '03 update they suggested several ways  
12 to test it, but no specific way in law to pre-condition  
13 it.

14 MR. RICE: Yeah. I might ask that perhaps some  
15 thought be put into a true technical document from the  
16 BAR in regards to a pre-conditioning process.

17 MR. CARLISLE: That's one of the purposes of this  
18 document.

19 CHAIR WEISSER: But, you know, the BAR folks are  
20 pretty smart and I'm curious as to why -- I mean, they  
21 would have thought of that before. There must be some  
22 good rationale as to why that's not in place.

23 MR. RAMOS: Well, there is to some extent. Wayne  
24 Ramos, Bureau of Automotive Repair. Our Smog Check  
25 inspection manual says the vehicle has to be at

1 operating temperature before you test the vehicle, so  
2 that's basically the guideline in its simplicity. But  
3 however, the design and make-up of the emission  
4 analyzer does have a mechanism of which provides for  
5 pre-conditioning, which it'll go into another extended  
6 test mode if it sense the vehicles are mailing, and  
7 it'll prolong the test in order to give it sufficient  
8 additional time for the emissions to stabilize, so that  
9 provisions exists in the -

10 CHAIR WEISSER: It's built into the software of  
11 the test?

12 MR. RAMOS: Right.

13 CHAIR WEISSER: But if that were true then you  
14 would expect not to run into the problem of someone  
15 rushing into, let's say a test-only, failing and going  
16 three miles down the street to a test-and-repair and  
17 passing.

18 MR. RAMOS: Correct, that the design mechanism was  
19 for that makeup of the software and the equipment.

20 CHAIR WEISSER: Well, okay. That'll be something  
21 that I guess we'll find out more about in here.

22 MR. RAMOS: Yeah.

23 CHAIR WEISSER: Thanks, Wayne. Chris.

24 MR. ERVINE: Chris Ervine with STARS. The built-  
25 in mechanism that he's talking about in the smog



1 machine is for two-speed idle only, and it goes into a  
2 three-minute warm-up after the vehicle has failed, and  
3 then it's retested. The only thing that would possibly  
4 be related to loaded mode testing would be if the  
5 vehicle passes right away it goes to a fast pass;  
6 otherwise it goes for the full period.

7       Some of the questions here. How long does a  
8 vehicle have to sit before you pre-condition it? It  
9 depends on the weather. Dead of winter, five minutes  
10 is, you know, you got to pre-condition it. 110 degrees  
11 summer, you know, it could sit for half an hour and be  
12 testable within a very short period of time. So I  
13 think the weather has a lot to do with it and should be  
14 taken into consideration there.

15       CHAIR WEISSER: How would you suggest that we  
16 handle that issue?

17       MR. ERVINE: I, personally, I would like to see  
18 every vehicle that's going to – and the TAS actually  
19 directs you to do it, run the vehicle on the dyno to  
20 verify that the rpm range is there and all that. If we  
21 would require the vehicle to run at a specific speed  
22 for a certain amount of time after warm-up on the dyno,  
23 I think we'd get a lot more uniform testing.  
24 Everything would be warmed up to operating temperature,  
25 the cats would be hot, the O2 sensors would be

1 switching, and we could eliminate that.

2 A lot of it also has to do on the ambient  
3 temperature, and the smog machine is capable of looking  
4 at that and determining how long we might want to run  
5 it on the dyno before we actually enter into testing.

6 CHAIR WEISSER: I'm just wondering for purposes of  
7 this survey whether the way the question is worded is  
8 going to get us the information that's going to be  
9 helpful.

10 MR. CARLISLE: Which question?

11 CHAIR WEISSER: Number four. Chris points out the  
12 weather-related issues in terms of how fast a car will  
13 cool off.

14 MR. ERVINE: Right.

15 MR. CARLISLE: Maybe we could have a follow-up  
16 question to four that says, does this change depending  
17 on the weather?

18 CHAIR WEISSER: I imagine it changes based upon  
19 how busy the shop is.

20 MR. ERVINE: Well, that's very true, and that  
21 brings up another point that I'd like to make, is that  
22 I think in your survey you need to look at shops that  
23 are doing a pre-test or an inspection after it's failed  
24 at a test-only and it passes at their shop and there's  
25 no repair entered. You need to find out, look at those

1 shops. Even though they may be a low volume shop,  
2 maybe they're pre-conditioning that vehicle  
3 differently.

4 Also, BAR's data in there on the VID will tell you  
5 who at that smog shop is doing all the smog repairs, so  
6 you can ask when you call to talk to Fred and explain  
7 that you are from the IMRC -

8 CHAIR WEISSER: That's a good idea.

9 MR. ERVINE: - and more than likely most shop  
10 owners will allow the technician to talk if it's not  
11 going to take too long.

12 CHAIR WEISSER: Especially if we can get an ET  
13 Blast out with help from CSARA or the other  
14 organizations.

15 Any other comments?

16 MR. CARLISLE: Yeah, I just wanted to clarify one  
17 thing that Chris was talking about, the pre-  
18 conditioning on the machine. With the ASM test, the  
19 loaded mode test, essentially what that amounts to is  
20 in the first phase of the test you're allowed a full  
21 minute and a half, or 90 seconds, and the way the  
22 machine works, it actually takes an average of 10  
23 seconds, it averages 10 seconds and asks the question,  
24 does it pass or fail? If it's a passing vehicle  
25 anywhere in that first 90 seconds for only 10 seconds,

1 it passes.

2 In other words, let's say you had a cold vehicle  
3 on the machine and it ran for 80 seconds in a failing  
4 condition, as long as it averaged pass in the last 10  
5 seconds of that test it's a passing vehicle. So that's  
6 where you'd get the automatic warm-up.

7 CHAIR WEISSER: But 80 seconds worth of automatic  
8 warm-up.

9 MR. CARLISLE: Yes, that's it.

10 CHAIR WEISSER: As a layman that just doesn't seem  
11 like a lot of warm-up.

12 MR. CARLISLE: If the vehicle is cold as a whole  
13 that's probably not enough. If it's just the catalytic  
14 converter it's probably sufficient.

15 MR. ERVINE: On the newer vehicles that is  
16 sufficient, because the cats on the newer vehicles  
17 light off in a hurry.

18 On the older vehicles, if you look at the smog  
19 test you'll see it, on the initial 15-mile-an-hour test  
20 it fails, and it may even fail, you know, as a high  
21 polluter, maybe not a gross polluter but it's going to  
22 fail with high emissions. And then on the second pass  
23 all of a sudden the emissions go way down, there's a  
24 very good indication there that that catalytic  
25 converter was never lit off.

1           CHAIR WEISSER: I guess one question that I wonder  
2 if we might want to consider, and I'm certainly not a  
3 survey designer, but relating to this issue of seasonal  
4 variation and how that impacts cool-down of cars, do  
5 you think it's worth asking, do you vary the amount of  
6 warm-up depending upon the season or not? I don't  
7 know.

8           MEMBER LAMARE: I think it's better if you do the  
9 survey in the summer and in the winter and ask the  
10 question about this week and ask about the differences  
11 between the warm season and the cool season.

12          MR. CARLISLE: Well, I think I would go back to  
13 the concept behind this initial survey, it's really to  
14 determine does it require require more analysis? I  
15 mean, we're doing it in the summer, so if the answer to  
16 the question is that this is really not an issue when  
17 we look at the data we collect, maybe, you know, we  
18 repeat it in the winter and see if it's an issue then.  
19 I would certainly defer to Jude's expertise on that.

20          MEMBER LAMARE: Well, in terms of survey research,  
21 normally you don't approach survey research by asking  
22 people in general do you do this or do you do that.  
23 You talk about today, this week or something they can  
24 reliably report on.

25          CHAIR WEISSER: I really echo Jude's comment on

1 that and I think the notion of this week, blah-blah-  
2 blah, is a good one.

3 Robert.

4 MEMBER PEARMAN: I don't know if this applies or  
5 not, but you could get them to assume and say it's 60  
6 degrees and it's not raining. Answer the question.  
7 I'd trust Rocky's judgment as to whether or not he  
8 could frame something that would give us enough  
9 consistent answers to have useful survey results or to  
10 take the option you suggested.

11 CHAIR WEISSER: Yeah, I think you're going to get  
12 a more accurate reflection by following the comment  
13 that Jude made of doing two surveys. Janet's going to  
14 get cauliflower ear before this is over.

15 John?

16 MEMBER HISSERICH: Well, I was just going to say,  
17 consistent with what Jude said, you might even pin it  
18 down to, if you're testing cars today how long does it  
19 take? Because as you say, in general questions, I  
20 think they really need to pin it down, you know. Did  
21 you test cars yesterday? When you tested them  
22 yesterday, how long did you let them warm up or  
23 whatever the question is, but it seems to me that  
24 that's the way to start to pin it down.

25 CHAIR WEISSER: Okay, there's some feedback.

1           MR. ERVINE: And I think that you're going to find  
2 the false fails are a lot more during the wintertime  
3 than you'd find them during the summertime.

4           CHAIR WEISSER: That would make sense. That would  
5 be your expectation. Let's see what the data shows.

6           MR. ERVINE: And what you might do, you realize  
7 you're talking to a technician, time is money and the  
8 owner of the shop doesn't want him tied up any longer  
9 than necessary, but just for information on there, one  
10 of the questions you might ask is, what was the ambient  
11 temperature yesterday, and then go into your  
12 description of the test so you know what you're looking  
13 at. If they're over in San Francisco it could be 60  
14 degrees, and if they're in the Central Valley it could  
15 be 100 degrees.

16           CHAIR WEISSER: That's something that Janet can  
17 pick up off the web, so we don't even need to bother  
18 with that.

19           Okay, anything further? Okay, it sounds like  
20 you're going to do one more run-through at least with  
21 Jude, and I'm willing to delegate to Jude any further  
22 comments, you know, or any further changes. Is that  
23 okay on behalf of the Committee? Jude be the boss on  
24 this.

25   - oOo -

1           Okay. Next.

2           MR. CARLISLE: Okay. Next up, then, is the draft  
3 report of the consumer information survey. Now, I sent  
4 this out a little over a week ago. Actually, the first  
5 time I sent it out it was, I sent you something else,  
6 as I recall.

7           CHAIR WEISSER: (Inaudible).

8           MR. CARLISLE: But you did get adjust draft  
9 report. I don't know if anybody had a chance to read  
10 it. I know Bob Pearman gave us some comments, which  
11 several of them I incorporated into it, into the  
12 report, but on page three, item three makes the  
13 statement that many failed vehicles receive little  
14 attention before inspection. Now, this, I think,  
15 probably needs a little rewording a little bit, because  
16 I think, Jude, didn't you find that it was about 50  
17 percent, I think?

18          MEMBER LAMARE: Jude Lamare. Yeah, I think it's  
19 just a question of the word 'many' and we can change  
20 that. For example, we talked to 566 failed vehicle  
21 owners about their cars and whether they performed  
22 routine maintenance on them, took them through a pre-  
23 inspection, or whether they did repairs, and those were  
24 three separate questions.

25          MR. CARLISLE: Right.



1           MEMBER LAMARE: And I have a tabulation of what  
2 people did, and to me, well, 277 did none of the above,  
3 which was about 49 percent, and I use the word 'many'  
4 to reflect that 49 percent because it seemed like a lot  
5 of vehicles. We could say almost half of the failed  
6 vehicles received no attention before inspection.

7           We could also let, you know, because these are not  
8 cumulative, you know, some had repairs but didn't do  
9 routine maintenance. Some had pre-inspection survey  
10 but didn't do repairs. We can put all of those  
11 numbers into the final report so it's very clear what  
12 kind of attention vehicles got before, but considering  
13 that these were all failed vehicles, I think about half  
14 had either maintenance or repairs before.

15          MR. CARLISLE: Yes.

16          CHAIR WEISSER: Yeah. Which is quite a -

17          MEMBER LAMARE: So maybe that's what we should  
18 say, about half had no attention and about half had  
19 either maintenance or repairs before.

20          MR. CARLISLE: Okay.

21          CHAIR WEISSER: This is Vic. I have a question.  
22 Why don't we include what you've stated and the  
23 conclusions in the executive summary? My concern here  
24 is that a lot of people are just going to look at the  
25 executive summary, and you have some pretty important

1 recommendations for the future in the conclusions, and  
2 I'm wondering if you might not want to bring that -

3 MEMBER LAMARE: Plus we did not have the  
4 evaluation of the method in the conclusions. Yes.

5 CHAIR WEISSER: So I would recommend that the  
6 report be modified in that regard.

7 MEMBER LAMARE: The Committee has seen, I think,  
8 almost all of the findings that are presented in the  
9 report today. I ran a few additional cross-tabulations  
10 just to check a few things out, added a few little  
11 facts into the report, but the conclusions are the same  
12 that have been previously presented.

13 I would say for me, the biggest findings are that  
14 people are not looking for Gold Shield stations when  
15 they're looking for stations; that they are not using  
16 consumer assistance when it is available to them; that  
17 there are significant differences between air basins  
18 that remain mysterious and worthy of further  
19 examination.

20 CHAIR WEISSER: Differences in terms of?

21 MEMBER LAMARE: Differences in terms of use of  
22 test-only stations as a voluntary action by the  
23 motorist. Differences in terms of knowledge that you  
24 are being directed to a test-only station. Differences  
25 in how difficult was it to find test-only.

1           I think that primarily was about Bay Area being  
2 new to the program, so that isn't so mysterious to me.

3           Differences between how many days was your car in  
4 the shop for repairs. Big differences in terms of  
5 received financial assistance from BAR. Differences of  
6 the magnitude of the San Joaquin Valley motorists at 17  
7 percent, the Los Angeles County motorists at 3 percent.

8           My heart goes out to Angelinos, where I spent  
9 quite a bit of my youth. I have a tender spot, and I  
10 think that the Angelinos are getting a different Smog  
11 Check Program than the rest of us, so I think this,  
12 maybe it's just a little difference of degree, but I  
13 think that these data indicate we should be looking at  
14 what's different about L.A. County.

15           In the previous findings that I reported to the  
16 Committee about the availability of Gold Shield, L.A.  
17 County was way far below. If you're a motorist in L.A.  
18 County you have a far, far lower chance of finding a  
19 Gold Shield station than if you're a motorist in the  
20 Central Valley or Sacramento or other places.

21           CHAIR WEISSER: It's those sorts of statements,  
22 Jude, that I'd like to see be brought up front. I  
23 think the implications of the survey, those are  
24 implications of the survey and I think they need to be  
25 spelled out up front, with a hardy recommendation for

1 robust future consumer surveys, either by us, by BAR,  
2 by CARB.

3 Robert.

4 MEMBER PEARMAN: Just a question. The fact that  
5 apparently so few income eligible people use the CAP  
6 program, did the survey give anything as to what the  
7 reasons might be?

8 MEMBER LAMARE: No, we didn't go further into why.  
9 You know, the fact that they weren't looking for Gold  
10 Shield up front indicates that they don't know that  
11 that's what they should be looking for. Charlie's  
12 shaking his head no. And maybe we should emphasize  
13 that in the follow-up. I mean, a lot of people have  
14 told us previously that making out the paperwork.

15 We also found that we asked people if they had  
16 difficulty passing smog and if they did, what did they  
17 have difficulty with, and two-thirds of those who had  
18 difficulty, and that was 18 percent, so two-thirds of  
19 18 percent, I think is 12 percent said that they had  
20 difficulty with the cost. So, you know, we could maybe  
21 follow that back a little bit in the data.

22 CHAIR WEISSER: So 12 percent had difficulty with  
23 the cost of making the repair.

24 MEMBER LAMARE: The cost of making the repair.  
25 What was difficult about - 18 percent said they had

1 some difficulty with completing their repairs.

2 Is that the question, Rocky? Maybe it was – and

3 two-thirds of those said the difficulty was the cost or

4 that they had, you know, among the things that were

5 difficult for them, that was one of them. And 18

6 percent had difficulty getting their vehicle repaired,

7 page 10 in the middle of the page.

8 MR. CARLISLE: Right. And of that, 67 percent

9 found expense was a problem.

10 MEMBER LAMARE: Sixty-seven percent of that

11 eighteen percent found the expense of the repair was

12 difficult.

13 CHAIR WEISSER: Excuse me, this is 18 percent of

14 those vehicles that needed repairing.

15 MEMBER LAMARE: They all needed repairing, these

16 were all failed vehicles.

17 CHAIR WEISSER: All failed vehicles.

18 MEMBER LAMARE: So, 80 percent of our respondents

19 that were owners of failed vehicles said that they

20 found it easy to somewhat easy to get their cars

21 repaired. Among the 18 percent that said it wasn't

22 easy, 67 percent of that group. That means 12 percent

23 of the total group.

24 CHAIR WEISSER: Okay. John?

25 MEMBER HISSERICH: As an Angelino, I knew nothing

1 about Gold Shield. In fact, till I got on this  
2 Committee I knew little about any of this, but had  
3 become somewhat aware because one of our older cars  
4 went for test-only. Test-only is very apparent, huge  
5 signs, test-only. I look hard to see if I can figure  
6 out what the Gold Shield station is or where they are.  
7 I don't think I've ever seen one, of if I did, it  
8 wasn't apparent.

9       So really, I mean, I don't think consumers, and  
10 maybe this confirms it, but certainly in Southern  
11 California they're not aware of them. It would be  
12 interesting to know in those areas where Gold Shield,  
13 it's a little bit more engaged. If that's because  
14 there's relatively few stations to begin with and  
15 proportionately somehow they are attracted to them.  
16 I'll tell you, in Southern California they're few and  
17 far between and I don't know of anybody that goes  
18 looking for them. It's just a commentary, but it seems  
19 to be somewhat confirmed by the findings here.

20       And nobody tells you, quote, that I'm aware of, *Go*  
21 *to a Gold Shield station*, whereas you may know to go to  
22 a test-only, once you've gone to a test-only, you know  
23 where it is. If you have an option later on you just  
24 kind of go there again. I think the self-select into  
25 the test-only is just probably force of habit for the

1 most part. Just anecdotal, but confirming.

2 MEMBER LAMARE: You're a true Angelino.

3 MEMBER HISSERICH: Born and bred.

4 CHAIR WEISSER: Anything further, Jude? Any

5 comments or questions from the public? Charlie?

6 MR. PETERS: Mr. Chairman and Committee, Charlie

7 Peters. [timer] Oh, excuse me. Sorry to run

8 overtime.

9 Charlie Peters, Clean Air Performance

10 Professionals, representing motorists. You've brought

11 up some interesting questions, and Ms. Lamare noticed

12 me shaking my head no to her comment. Could it be that

13 some of the people who are in lower income and possibly

14 even have the option of going to Gold Shield find that

15 oftentimes that even though there's a \$500 assistance

16 from the state, that at that percentage that it's going

17 over that and that it's maybe \$1,000 or \$1,500 the

18 cost, and so that that's the situation?

19 Is it possible that in the Los Angeles area you

20 have a segment of the population that has learned in

21 their experience possibly even in another country that

22 you don't always trust your government, even though

23 they tell you they're here to help you?

24 So, I think that subject is something that if

25 you're going to be making statements there's possibly

1 some additional homework that could be done that might  
2 a little better explain what's happening.

3       You indicated, or the doctor indicated that nobody  
4 knows where a Gold Shield is at. I believe there's a  
5 requirement that every test-only station provides  
6 information, and it is provided in writing, plus, every  
7 time that the DMV sends something out there, so  
8 possibly every person that fails at a test-only station  
9 gets told about Gold Shield if for not any other reason  
10 in writing as part of their documentation. So the fact  
11 that nobody knows, maybe they just choose other options  
12 which are less expensive, less intimidating, less  
13 exposure.

14       Maybe it's not working as well as they would like,  
15 because they can go somewhere and get a quick repair  
16 and it maybe costs them 50 bucks and it's handled.  
17 Maybe it's not fixed, but it's out of their face, taken  
18 care of. They go to this Gold Shield that's doing  
19 everything right and it's \$2,000. The state pays 500,  
20 so there's 1500 out of their pocket. So at least even  
21 by rumor that's something that would discourage some  
22 percentage of that population to participate in that  
23 process. And in Los Angeles you have some people there  
24 that wasn't necessarily born here, so.

25       CHAIR WEISSER: Thank you, Mr. Peters.



1           Ms. Lamare?

2           MEMBER LAMARE: Question for Rocky. Isn't there a  
3 cost limit that if your costs exceed 450 you may get a  
4 waiver and go to –

5           MR. CARLISLE: Correct. If they go through the  
6 Consumer Assistance Program and they do repairs up to  
7 \$500 and it's still technically failing the emissions  
8 test, then they get a waiver for two years. They're  
9 sent to the referee.

10          CHAIR WEISSER: You're allowed a waiver for two  
11 years.

12          MEMBER LAMARE: So what Charlie is saying applies  
13 to someone who's already gotten a waiver on that car,  
14 and then they come back and they come into the CAP  
15 program but the repairs exceed 2,000 – or exceed 500 –  
16 they're, the individual owner is liable for the  
17 remaining, the CAP program doesn't cover the full cost  
18 of repairs?

19          MR. CARLISLE: Correct. But even like I say, as  
20 soon as it exceeds the 500 they get a waiver. It's  
21 supposed to be a one-time waiver; I don't know that  
22 that's tracked.

23          CHAIR WEISSER: Tyrone?

24          MEMBER BUCKLEY: I'm sorry, Rocky, I thought I  
25 heard you say 450.

1           MR. CARLISLE: Four-fifty is the cost for – the  
2 repair cost waiver, but the CAP will pay up to \$500.

3           MEMBER BUCKLEY: Why are those two different  
4 numbers?

5           MR. CARLISLE: Well, that's a good question.

6           CHAIR WEISSER: There are a number of good  
7 questions associated with this repair cost limit, most  
8 notably the fact, in my mind, that it has not been  
9 adjusted in, how many years?

10          MR. CARLISLE: Seven years.

11          CHAIR WEISSER: Seven years. Where just CPI has  
12 probably gone up a compounded twenty, twenty-five  
13 percent in seven years. Okay, lower. Substantial.

14                There's something I'd like to say about the  
15 owners' responsibility to keep their cars up. I mean,  
16 we as a society have decided that it's the owners'  
17 responsibility to ensure their cars brakes and steering  
18 work okay, that it's dangerous to have unsafe cars.  
19 And I think we've made that same decision in terms of  
20 polluting vehicles. Thus, we're allowing people to  
21 have one two-year waiver, then we're saying, okay, you  
22 got to fix it or get rid of it.

23                And we have some assistance available for lower  
24 income people. Is it enough? Is it being used well?  
25 Is it being publicized in a way that people are taking

1 advantage of it? Are people who do take advantage of  
2 it being afforded the kind of customer relations that  
3 you'd hope they would be in terms of turnaround time?  
4 All those are, to me, open questions associated with  
5 the program.

6 But the underlying issue that it's the owner's  
7 responsibility to keep their car in good repair, to me,  
8 I have just no problem accepting that virtually carte  
9 blanche. I just think that's the way a society needs  
10 to run.

11 Mr. Pearman.

12 MEMBER PEARMAN: First on that same point, it  
13 looks like from the responses about 75 percent of them  
14 said that the repairs didn't go over the 450, which is  
15 good news, and half found the time required for repairs  
16 was the problem, and 22 percent were in the repair shop  
17 more than 2 days. I wonder if someone ever thought  
18 about instead of paying for the repair you give them a  
19 loaner car for 2 days and see if that might be more  
20 cost-effective.

21 CHAIR WEISSER: Okay. Further comments from the  
22 audience and then we'll move on. We'll go with Mr.  
23 Peters and then to Chris.

24 MR. PETERS: I think you've touched on a - Charlie  
25 Peters, Clean Air Performance Professionals,

1 representing motorists. I think you've touched on  
2 another interesting issue. It is my perception that  
3 it's not uncommon to take a week, two weeks, three  
4 weeks for a CAP car; an hour, two hours for a regular  
5 repair, and that could very well be a significant  
6 factor in this process as well.

7 CHAIR WEISSER: Yeah.

8 MR. PETERS: So there's factors here that the  
9 motorist is responding to the system, but not  
10 necessarily in the way a simple – unless you kind of  
11 dig into what's really going on, and I think one of the  
12 ways is some communication with some of the CAP  
13 stations asking them, you know, how long does it take  
14 you to do a CAP repair average? How long does it take  
15 you to do a regular repair average?

16 When I was in the business back before it got all  
17 fancy and everybody got professional and did it better,  
18 I could fix virtually any car, any problem within an  
19 hour to two hours, even oftentimes jobs that were \$500,  
20 \$600, but I had everything there, I could figure out  
21 what the problem is, get the car fixed and put it down  
22 the road almost instantly because that was my gig.  
23 Where a lot of times somebody has to order parts,  
24 whatever, then you get the Bureau involved, then you  
25 get – you've heard consistent communications about

1 oftentimes it takes a considerable length of time to  
2 even get approvals or to get upgrades and so on. So  
3 those are factors in the public's participation for  
4 sure.

5 CHAIR WEISSER: Thank you. Chris.

6 MR. ERVINE: Chris Ervine with STARS. I had a  
7 couple of questions that it kind of looks like maybe  
8 there's some conflicting numbers here. *What factors*  
9 *did a motorist consider most important in selecting a*  
10 *Smog Check station?* On page 10 you have down here,  
11 *personal relationship with shop*, and then over here on  
12 page 11 – on page 10, *personal relationship with shops*,  
13 *19 percent*, and then on the next page it's no higher  
14 than 13 percent in all the different locations. Also –

15 MEMBER LAMARE: I'll respond to that, Vic.

16 CHAIR WEISSER: Hold on for a sec.

17 MR. ERVINE: Okay.

18 CHAIR WEISSER: Could you put him on pause, Janet?

19 MEMBER LAMARE: On page 10 we asked each person we  
20 interviewed how important each factor was, so whether  
21 they considered it or not. On page 11, we're talking  
22 about the factor they considered most important, so the  
23 single most important factor. So 19 percent – let's  
24 see, where are we?

25 CHAIR WEISSER: On page 10.

1           MEMBER LAMARE: Personal relationship with the  
2 shop – what factors did they consider most important?  
3 Oh, maybe I’m wrong. Okay, maybe I better study this.  
4           MR. ERVINE: So 19 percent was the most important  
5 factor in selecting a Smog Check station.  
6           MEMBER LAMARE: And page 11 you’re looking at the  
7 bottom at the differences by air basin?  
8           MR. ERVINE: Yes, um-hmm.  
9           MEMBER LAMARE: And you’re saying why are they all  
10 below 13 percent?  
11          MR. ERVINE: Yeah.  
12          MEMBER LAMARE: Either 13 percent or below?  
13          MR. ERVINE: And it’s saying, *most important*  
14 *factor in choosing a shop.*  
15          MEMBER LAMARE: This is – thank you, Sylvia.  
16 Yeah, Sylvia’s correct. This is about those who wanted  
17 a test-only station, right?  
18          MR. ERVINE: Okay, that’s part of the question  
19 above, then, is that it?  
20          MEMBER LAMARE: I guess I’m confused. I’m sorry I  
21 interrupted you.  
22          CHAIR WEISSER: No, I think you may just have a  
23 wording issue. You think – I don’t know, but is *wanted*  
24 *a test-only station* is one separate paragraph from the  
25 next paragraph on page 11, *most important factor.*

1           Now contrast *most important factor*, which I don't  
2 think – the way I read this, this does not have to do  
3 with test-only stations; that's your factor in choosing  
4 a test station, be it test-only or test-and-repair.

5           If I look at the top of page 10, these are answers  
6 that people could have multiple answers. These numbers  
7 don't add up to 100 percent, do they – 60, 80, 93. No,  
8 they don't, they're over 100. So, you know, the nature  
9 of the question had to invite a potential for multiple  
10 responses, whereas the one on the bottom of page 11  
11 says, what's *the* most important. You're saying it  
12 doesn't work?

13           MEMBER LAMARE: Well, that's what I thought the  
14 answer was, but that's not it.

15           CHAIR WEISSER: Okay. Back to the drawing board,  
16 Jude.

17           MEMBER LAMARE: That's on page 8, what factors did  
18 the motorist consider.

19           MR. ERVINE: Well, if the people that drew up the  
20 questionnaire have problems with it, I wonder about  
21 what happened when the consumer was asked. The number  
22 of people that wanted a test-only, did they want a  
23 test-only because they were directed to test-only or  
24 did they want a test-only because they didn't like  
25 going to test-and-repair?

1           MEMBER LAMARE: (Inaudible)

2           MR. ERVINE: Yeah, I think that's something that's

3 important.

4           *On how many days was your car tied up in the shop,*

5 I think this is important. If we have a vehicle come

6 into our shop and it's just for a regular smog repair,

7 consumer assistance is not involved in it, that car is

8 usually out in a day. If consumer assistance is

9 involved in it, we tell the people you're going to have

10 your car tied up for three to five days.

11          CHAIR WEISSER: Why do you keep the car? Why

12 can't they take the car until all the paperwork is done

13 and you call them up and say, okay, the paperwork's

14 done, we've gotten approval. Can you bring your car

15 back in?

16          MR. ERVINE: Well, the paperwork, the paperwork

17 that's involved, a typical smog repair for a non-CAP

18 car, you might have six to ten pages. A CAP car you're

19 going to have a book, you're going to have twenty-five,

20 thirty pages involved in it.

21          You may end up doing a repair or doing

22 diagnostics, calling CAP for multiple items that need

23 to be repaired on the diagnostics. They will say,

24 well, repair this one first and then recheck it. And

25 then you call them up and you tell them, well, we need



1 two other things. They'll say, well, do this one first  
2 and then we'll recheck it.

3 CHAIR WEISSER: Thanks, Chris.

4 MEMBER LAMARE: I have the answer now.

5 CHAIR WEISSER: Okay, Jude?

6 MEMBER LAMARE: Okay, Chris, looking at page 10,  
7 at the top of page 10 in the first sentence it says,  
8 *The most important factor for choosing a repair shop,*  
9 and what follows is criteria in choosing a repair shop.

10 And on page 11 at the bottom, the chart that you  
11 are looking at comparing Bay, Los Angeles, San Joaquin,  
12 other Southern California, it says, *Most important*  
13 *factor in choosing a test station.*

14 So we had two questions, one was about choosing a  
15 repair shop, one was about choosing test, and on page 8  
16 is the initial question about choosing a test station,  
17 which shows that 8 percent considered personal  
18 relationship as one of the factors, as the most  
19 important factor. And when you look at page 11, then  
20 that information is consistent with 8 percent overall.

21 MR. ERVINE: Well, I'm looking at, *what factors*  
22 *did motorists consider most important when considering*  
23 *a Smog Check station for vehicle repairs, 29 percent*  
24 *said personal experience with the shop.*

25 MEMBER LAMARE: What page are you on, 10?

1 MR. ERVINE: Pardon?

2 MEMBER LAMARE: Yeah, 29 percent, past experience  
3 with the shop.

4 MR. ERVINE: And then the other one here, cost and  
5 time involved, 20 percent said that they paid less than  
6 \$50 for smog repairs. I think that you'll find out  
7 that those smog repairs amounted to either a gascap or  
8 a retest because of a false fail. That's the only  
9 explanation that I can give you.

10 CHAIR WEISSER: For why you'd have something less  
11 than 50 bucks.

12 MR. ERVINE: No, not unless maybe it's a hot air  
13 tube, and that hasn't been on cars since the early  
14 eighties.

15 CHAIR WEISSER: Cracked plug or something like  
16 that.

17 MR. ERVINE: (Inaudible) the car.

18 MEMBER LAMARE: But wouldn't that vary between,  
19 say, Modesto and Livermore, the cost?

20 MR. ERVINE: Yeah, in Modesto it's going to be  
21 over \$50 and Livermore it's going to be over 100.

22 CHAIR WEISSER: Thanks, Chris.  
23 Tyrone?

24 MEMBER BUCKLEY: I have a question of Chris. I  
25 found what you said about the length of time it takes

1 the CAP cars to get through your station very  
2 interesting. Do you, in your experience do you have  
3 any personal analysis of whether or not this could be  
4 sped up or if the process works the best way it can, or  
5 –

6 MR. ERVINE: Sometimes it's very frustrating for  
7 the shops –

8 CHAIR WEISSER: Oh, I bet.

9 MR. ERVINE: – because we're on and off the  
10 vehicle so many times, and every time you get off of  
11 the vehicle and back onto it, it costs you time because  
12 you're having to remember where you were.

13 CHAIR WEISSER: Sure.

14 MR. ERVINE: I would really like to see it  
15 expedited somehow. I think that some of the things  
16 that CAP does are very good. I think that the CAP  
17 stations, because of the CAP program and the  
18 supervision that we have through BAR make the CAP  
19 stations a better station. I think they do a much  
20 better job of lowering emissions, and it's a training  
21 thing for the technicians as well as the shop owners.

22 And yes, I do think that something could be done  
23 to expedite things, and I don't know exactly what it is  
24 without, you know, sitting down and –

25 CHAIR WEISSER: I'm wondering if Wayne might be

1 aware of anything going on at BAR in that regard. I'm  
2 sure you've heard this issue before. Is there anything  
3 going on at BAR to see whether the CAP program can be  
4 made more consumer and repair station friendly? Pre-  
5 approved certificates and a post audit rather than step  
6 by step pre-approvals? I mean, those sorts of things.

7 MR. RAMOS: [microphone malfunction]

8 CHAIR WEISSER: Ah.

9 MR. RAMOS: [microphone malfunction]

10 CHAIR WEISSER: This is an issue that I think we  
11 could really use a briefing on from BAR. And you know,  
12 you guys have some really good people on this. I'm  
13 impressed with Lafferty and others. Maybe in our  
14 August meeting we could ask you to give us a briefing  
15 on the steps, what you're doing to streamline it, what  
16 options you looked at and chose you couldn't do because  
17 of fear of fraud or whatever. I can really recognize  
18 in the front end of the program the need to be very  
19 protective over program abuses. Now that we've gotten  
20 some level of experience with it, maybe there are, as  
21 you're indicating Wayne, opportunities to streamline it  
22 that you've already taken and maybe there are some  
23 others. So could you - that would be great.

24 Did you have something else, Tyrone?

25 MEMBER BUCKLEY: I was just going to echo the idea

1 of – I think the historical analysis that you spoke  
2 briefly about right now would be very interesting for  
3 the Committee to learn about what it was initially and  
4 where the program has gone.

5 CHAIR WEISSER: John.

6 MEMBER HISSERICH: On that lines, I think in auto  
7 body repair now we know that within certain insurance  
8 companies and certain auto repair shops it's accepted  
9 that if they go in there they don't have to do a whole  
10 lot of step-by-step because they know that that auto  
11 body shop is one that operates ethically with them so  
12 that it's straightforward. They have a list. It seems  
13 to me that with the Gold Shield as a baseline that this  
14 is an ethical operation that does things correctly, it  
15 would be fairly straightforward to say, okay, there's  
16 where you go and the work gets done in an expedient  
17 manner.

18 CHAIR WEISSER: You know, on the surface I would  
19 agree. I'd like to –

20 MEMBER HISSERICH: No, I absolutely think we  
21 should. I think that there's some instruction from  
22 that other parallel industry in which –

23 CHAIR WEISSER: I agree.

24 MEMBER HISSERICH: – I think the potential for  
25 fraud was oftentimes considered much greater, and we

1 all, I think, have had over our lives more experience  
2 where the first instance you'd go in there and there  
3 was a long process of people coming to look and see  
4 whether the paint was scratched. And then  
5 subsequently, under other circumstances you go in,  
6 that's their shop or a shop that they're comfortable  
7 with and it gets right through, so.

8 CHAIR WEISSER: Wayne, the -

9 MEMBER LAMARE: Parallel with the insurance  
10 industry.

11 CHAIR WEISSER: I guess I want to leave you with  
12 the impression that you can transmit this to management  
13 that my senses of this Committee is that they're very  
14 much interested in the workings of the CAP program, how  
15 it's communicated to the public, how service is  
16 delivered to the public and to the station owners, the  
17 repair business, all oriented toward making these  
18 monies more available so that needed repairs get  
19 effectuated, and the money goes to the people who need  
20 it, not to people who don't need it. That's the sense  
21 I've had over months of these hearings and I guess I'm  
22 just - Tyrone.

23 MEMBER BUCKLEY: Last thing. Mr. Pearman brought  
24 up the idea that maybe we should get rental cars for  
25 folks, and I think of those extra expenses, and I know

1 that the CAP program used all 12 million that it had  
2 last year and it's slated to have \$15 million next  
3 year. I think it would be interesting to – and I don't  
4 know if this Committee has ever been presented with a  
5 relatively detailed budget of how the \$12 million got  
6 spent, but that would be an interesting thing to add to  
7 the presentation for me.

8 CHAIR WEISSER: Rocky, is there something you  
9 wanted to say? I think probably a good idea to include  
10 some sort of – I mean, I have no idea about this rental  
11 car thing. To me, I mean all sorts of little bells go  
12 off in my mind, but I'd be interested in understanding  
13 the concept a bit more.

14 MR. RAMOS: [microphone malfunction]

15 CHAIR WEISSER: I guess what I'm also interested  
16 in, you talk about a budget of \$15 million. How much  
17 money is coming in through this program? Where is it  
18 going? When do we get our \$114 million back? I'm  
19 deadly serious. If you think I'm letting that go,  
20 that's just not where my head is at. That money was  
21 collected for this program, it belongs in this program,  
22 it should be used for emission reduction purposes on  
23 cars. Excuse me, I'll get off the high hat.

24 MEMBER LAMARE: I thought –

25 MR. RAMOS: [microphone malfunction]

1 CHAIR WEISSER: Right, you need appropriation  
2 authority.

3 MR. RAMOS: [microphone malfunction]

4 MEMBER BUCKLEY: Thank you.

5 MEMBER LAMARE: Thanks, Chris.

6 MR. ERVINE: One thing I would like to say. I'm  
7 not for just doing away with all supervision with CAP,  
8 because, you know, I try and watch what goes out of my  
9 shop pretty closely, but there have been occasions when  
10 we've been busy and I haven't seen a repair order  
11 that's been turned over to CAP, and they've called up  
12 and asked a question and I'm going, why was this ever  
13 turned in? My tech made a mistake. So it does happen,  
14 but something needs to be streamlined there.

15 And then just on your remark about the rental  
16 cars, who's going to accept the liability on those?  
17 Because more than likely, these people don't qualify to  
18 rent a car by themselves, and if you're going to  
19 provide a rental car for them, then who's going to  
20 accept the responsibility if it gets wrecked or  
21 damaged?

22 MEMBER LAMARE: Thank you. Charlie?

23 MR. PETERS: Thank you, Chairman Lamare, in  
24 training or whatever, and Committee. Charlie Peters,  
25 Clean Air Performance Professionals, representing



1 motorists. I feel compelled to say something here and  
2 I, you know, I expect nobody to pay attention, but I'll  
3 say it anyway.

4 When I was in business I had a rule that when I  
5 was going to repair somebody's car I would not, would  
6 not separate diagnosis and repair, because I felt that  
7 that was a huge benefit to the customer to put those  
8 together and to empower the mechanic to do what was  
9 best for the customer.

10 As Chris indicated, you've got to diagnose this,  
11 diagnose that, et cetera. And I also had a situation  
12 laid out to where there was absolute guidelines within  
13 the shop, what order things were done in, how it was  
14 addressed, how do you get from point A to point X and  
15 get this completed that were absolutely specific and  
16 there were no deviations, period. There was a  
17 methodology for accomplishing that. Some of that has  
18 been compromised.

19 I will tell you that today that's not an  
20 acceptable thing. We do the diagnosis and we separate  
21 that from repair, but particularly in the CAP program I  
22 think that a very significant savings and improvement  
23 in performance and improvement in effectiveness for the  
24 consumer if you empowered the mechanic, you gave him X  
25 amount of money, gave him guidelines as to how to go

1 about it, that you could probably cut that five days  
2 down to two hours and possibly save a lot of money,  
3 save this book of documentation, et cetera. The guy  
4 goes, here's what I did, here's what my conclusions  
5 were. And if you did a little auditing once in awhile,  
6 you could find out whether that was valid, and I think  
7 I wanted to share that, that I felt that it was a very  
8 disservice to my customer when I separated those two  
9 things. When I allowed the mechanic to figure it out  
10 and get it fixed and make sure it was fixed, I found  
11 that that was extremely effective in getting the job  
12 done and in making profit.

13 CHAIR WEISSER: Thank you for that constructive  
14 input, Mr. Peters.

15 Bud.

16 MR. RICE: Bud Rice with Quality Tune-up Shops.  
17 Quick comments. There's around 42 shops that are part  
18 of the Quality Tune-up network, I handle 18 of them are  
19 ones that are under my umbrella. In the beginning,  
20 most of those stores were Gold Shields and participants  
21 in CAP. Hardly anybody is today, everybody got out,  
22 and the reason why was because we couldn't get these  
23 cars out. They'd come on board, we'd have them for a  
24 week and we couldn't get these cars back out to the  
25 customers and get them going again.

1           What I would ask the Committee in addition to Mr.  
2 Ramos doing a presentation for you on where we are  
3 today with that program, if I could reach around behind  
4 me here and twist Chris's arm if I could, because I  
5 can't supply this data, but if he could supply some  
6 kind of a time log. Pick a car, I don't care, but pick  
7 a car and say here comes this car. At 8:30 I sent in  
8 my first fax to CAP and here's what happened and here's  
9 the timeline of what happened, I think when you match  
10 up those two things it's going to be an interesting  
11 conversation.

12           CHAIR WEISSER: Well, I'm glad you didn't put  
13 Chris on the spot, or any other person. I mean,  
14 listen, we can all pick, you know, an instance to  
15 demonstrate any old thing we want, but I think it would  
16 be instructive and I'm sure the Bureau has data on what  
17 are the averages, what is the the spectrum, what are  
18 the statistics associated with processing.

19           I just know the Committee has had a long-held  
20 interest in the Consumer Assistance Program, the two  
21 years plus now that I've been having the pleasure of  
22 being on the Committee, this issue continually comes  
23 up. I'm hearing from, just what we just heard from  
24 Bud, people are running away from something they ought  
25 to be running toward. There's something wrong here.

1 There's something that's not working as well as anyone  
2 would want it, and we should be seeing what  
3 constructive things can we do to try to improve the  
4 program. And we'll go Bruce and then Jude and then  
5 hopefully on to the next item.

6 MEMBER HOTCHKISS: I don't think we have to put  
7 any CAP station on the spot, but you can tell by the  
8 tests how long the vehicle has been between the initial  
9 CAP test when they get the car, are there diagnoses to  
10 do a test, and then they have to do, I mean, at the end  
11 they're going to do a pass test. And, you know, if the  
12 tests are five days apart, there's a reason for it.

13 CHAIR WEISSER: Yeah, I want to emphasize, I have  
14 no interest in any sort of punitive expedition on this.  
15 Truly looking for opportunities to make this program  
16 into the winner it deserves to be. Any constructive  
17 suggestions that we might be able to offer up, that's  
18 the intention here.

19 Jude.

20 MEMBER LAMARE: On page 13 of this study we  
21 pointed out that for those who received financial  
22 assistance from the Bureau, 60 percent were in the shop  
23 more than one day, and for those who received financial  
24 assistance, 40 percent were in the shop more than two  
25 days, so that's pretty substantial.

1           CHAIR WEISSER: We don't know if that's because  
2 the cars needed parts or because the approval process  
3 was required and it took longer than that to confirm  
4 that in fact the analysis met the -- the recommended  
5 repairs were justified based upon the analysis. It's  
6 those sorts of things that need exploration, for us.

7           Chris, I want to really try to cut this short, but  
8 come on up.

9           MR. ERVINE: Just real quick. What happens is, on  
10 a normal smog, CAP's not involved, the mechanic comes  
11 in, tells us it needs a part, we get on the phone, call  
12 the customer. Right then and there we can get  
13 authorization. With CAP, we have to fill out a bunch  
14 of paperwork, fax it to them, they fax it back. We  
15 don't know when it's coming back, so it might be three  
16 or four hours after we get the authorization back from  
17 CAP before we can get that car back in the shop, so  
18 that's why it takes longer than one day or two days.

19           CHAIR WEISSER: We're not going to do an  
20 investigation today, but I'm just really interested in  
21 having a conversation with BAR and with you on how the  
22 program works, where are opportunities where we might  
23 be able to be helpful.

24           Is there anyone else? Jeffrey.

25           MEMBER WILLIAMS: I'm just, well, I'm just curious

1 | if there's a ready-at-hand listing of the VIN's that  
2 | ultimately were approved for CAP and Bruce's suggestion  
3 | of looking at the gap between them is something I could  
4 | easily computer from the data that you've already given  
5 | me, if there's a similar -

6 |       MR. RAMOS: [microphone malfunction]

7 |       MEMBER WILLIAMS: Yeah, the VIN number, the VIN.

8 |       MR. RAMOS: [microphone malfunction]

9 |       CHAIR WEISSER: Thanks, Wayne. Anything further?

10 | Hearing nothing, we will move to the next item, and I  
11 | need to make a call, so Jude will act as chair for  
12 | awhile.

13 |       MEMBER LAMARE: Rocky, (inaudible)?

14 |       MR. CARLISLE: If I might suggest with regard to  
15 | the consumer information survey that we finalize that  
16 | and submit it to interested parties and agencies that  
17 | want to make formal comments. Would that be  
18 | appropriate at this time?

19 |       MEMBER LAMARE: [microphone malfunction]

20 |       MEMBER HISSERICH: I think the issue that was  
21 | raised about those discrepancies, which you clarified  
22 | and which I fully understand, it might just be  
23 | important to clarify that the choice of a repair  
24 | station is driven by different factors than the choice  
25 | of a test station, so we just highlight that

1 distinction just so that, because on first blush there  
2 is some confusion, but once you're read it carefully,  
3 it does make it clearer, so maybe we just need to  
4 highlight that. Other than that, I think it's great.

5 MEMBER LAMARE: We did have some other suggestions  
6 for edits, so the Committee, could we have a motion  
7 from the Committee to authorize the final edits and  
8 distribution of this report without coming back to  
9 Committee?

10 MEMBER WILLIAMS: I'll make that motion.

11 MEMBER HISSERICH: And I'll second it.

12 MEMBER LAMARE: Motion made by Jeffrey Williams,  
13 seconded by John Hisserich to authorize final edits and  
14 distribution of the report. All those in favor?

15 IN UNISON: Aye.

16 MEMBER LAMARE: Anyone opposed? Are there any  
17 abstentions? Good. Thank you.

18 MALE VOICE: [microphone malfunction]

19 MEMBER LAMARE: Oh, my, you're not supposed to ask  
20 that question. Okay. Do we have a quorum?

21 MR. CARLISLE: No.

22 MEMBER LAMARE: Okay, we'll take the vote when  
23 Victor gets back. Other questions or comments?

24 What's next on the agenda, Rocky?

25 MR. CARLISLE: Okay, the next item on the agenda

1 is -

2 MEMBER LAMARE: Let's hold that. We're going to -  
3 we have a motion and a second to authorize final edits  
4 and distribution of the report without coming back to  
5 IMRC. All those in favor?

6 CHAIR WEISSER: Could we have discussion?

7 MEMBER LAMARE: All right. Vic?

8 CHAIR WEISSER: I'm wondering how this report  
9 should be packaged in terms of, you know, the Committee  
10 is charged by statute to do an annual review of the  
11 program. We last year - and by last year I include all  
12 of 2004 plus our getting our report out in January or  
13 whenever it was we got the report out - met that  
14 obligation for the first time in X number of years, and  
15 I'm wondering whether this should not be considered the  
16 first part, this consumer information study, of our,  
17 you know, the cycle of reports to the Legislature and  
18 Administration. I'm just throwing - I don't know how  
19 we should characterize this.

20 How do we - you know, we're not going to have this  
21 year a joint BAR/CARB study on program performance;  
22 they're still working on the 2004 one. We still are  
23 obligated by the statutory challenge to come forward  
24 with a report. Do we characterize this as one aspect  
25 of our program review? And I'm asking it as a question.



1 I don't have an answer.

2 MR. CARLISLE: I do know, Mr. Chairman, that the  
3 Assemblywoman Montanez's office felt it was very  
4 helpful in assessing the amendments to AB383, and that  
5 was the one on the CAP issue, because there was this  
6 concern that it was more difficult to get a vehicle  
7 through the test-only process versus the test-and-  
8 repair, and so when we sent the second letter  
9 explaining some of the issues or some of the components  
10 of this survey, that was helpful to them.

11 CHAIR WEISSER: Thank you. Jude?

12 MEMBER LAMARE: Mr. Chairman, it seemed to me that  
13 this was a study that the Committee undertook and  
14 doesn't in and of itself make any recommendations for  
15 legislation.

16 CHAIR WEISSER: That's true.

17 MEMBER LAMARE: And I was under the impression  
18 that we had put together a survey of a specific  
19 component of the program and that we wanted to make the  
20 information available to the public beyond the few  
21 people who attend our meetings. I don't see it as  
22 being a report to the Legislature about legislation or  
23 evaluation of the program. We haven't finished  
24 digesting this information and we haven't made any real  
25 recommendations about program direction; we're simply

1 making available the results of the research.

2 CHAIR WEISSER: Good points. Thank you.

3 Okay, so we have a motion and a second. Is there

4 any further discussion? All in favor of the motion

5 please signify by saying aye.

6 IN UNISON: Aye.

7 CHAIR WEISSER: Any opposed? Hearing none, and

8 with a quorum present, we have an adopted action.

9 MEMBER LAMARE: Mr. Chairman.

10 CHAIR WEISSER: Ms. Lamare.

11 MEMBER LAMARE: Based on your question, I think it

12 would therefore be important to clarify in a letter of

13 transmittal of this survey that it is simply a report

14 on survey results and not a recommendation or a policy

15 report by the Committee.

16 CHAIR WEISSER: I agree that in a cover letter we

17 should specify that. We might also in the cover letter

18 highlight in particular the conclusions, however, that

19 you've reached in this, because I think that points us

20 in the future toward further potential fertile ground,

21 and I would ask if you would draft something along

22 those lines for me to sign in transmitting this report.

23 Mr. Peters.

24 MR. PETERS: Charlie Peters, Clean Air Performance

25 Professionals. A point of order, sir. Does that fit

1 in the what the Committee's supposed to do? Now we're  
2 getting the Legislature and Governor and everybody and  
3 now we're going to go tell the world? Is that part of  
4 your charter? I'm confused.

5 CHAIR WEISSER: And as I am with your question.  
6 Is it part of our charter -

7 MR. PETERS: We've already given the information  
8 to the Legislature as a point in moving legislation,  
9 but we shouldn't have done that, but gee, we're going  
10 to not give this to the Legislature, this is not part  
11 of the Committee, this is going to go to the public.  
12 I'm really confused what you're doing, sir. Really  
13 confused.

14 CHAIR WEISSER: Thank you. Jude?

15 MEMBER LAMARE: Mr. Chairman, I think it's quite  
16 clear in our legislative authority that we are charged  
17 to do research, and certainly we're charged to report  
18 our research.

19 CHAIR WEISSER: Thank you.

20 MEMBER LAMARE: I don't see any contradiction at  
21 all there.

22 CHAIR WEISSER: I don't either, but Mr. Peters  
23 appears to think otherwise. No, I think it's our job  
24 when we do a study to put it out, you know, if we're  
25 comfortable that the data that's collected will inform

1 decisions, help decision makers understand the milieu  
2 in which they're acting.

3 Thank you, Mr. Peters.

4 - oOo -

5 Mr. Carlisle, what's our next subject? Program  
6 avoidance.

7 MR. CARLISLE: Item four, program avoidance,  
8 something that Gideon Kracov, who unfortunately is not  
9 here today, and Tyrone and myself have been discussing  
10 for some time in trying to come up with a methodology,  
11 if you will, to determine what are the causes for  
12 program avoidance, and in a document that I wrote to  
13 Gideon and Tyrone I just kind of recap what we've  
14 discussed as far as what happens if vehicles fails to  
15 comply with the DMV registration renewal process and  
16 subsequently the Smog Check.

17 In addition, the ARB indicates that they have two  
18 classifications, if you will, for non-registered  
19 vehicles. One is instantaneous; the one that fails to  
20 register on time but ultimately gets a Smog Check and  
21 gets a registration. And then the chronic, which is  
22 the one that never gets registered, consequently never  
23 gets a Smog Check.

24 So if you look at the second paragraph, the bottom  
25 two sentences of that document, it shows that six

1 percent of the fleet falls into the first category of  
2 instantaneous, whereas one percent falls into the  
3 category of chronic. Consequently, the EMFAC model  
4 assumes a 99 percent Smog Check compliance; therefore,  
5 as far as the model is concerned, there are no  
6 emissions losses as a result of that one percent of  
7 chronic unregistered vehicles. But in reality, if we  
8 could get those vehicles registered there would be – we  
9 could look at it as a gain in emission reductions.

10 CHAIR WEISSER: Rocky, you should not consider  
11 that a time limit on you. Please continue.

12 MR. CARLISLE: No. Thank you. So, if you look at  
13 the chronic unregistered, essentially that represents  
14 about 230,000 vehicles assuming there's 23 million  
15 vehicles in the fleet subject to Smog Check that are  
16 running around with no Smog Checks.

17 Also, we determined that the CHP, just one of the  
18 many police agencies in the State of California, in  
19 2003 issued 190,095 citations for unregistered  
20 vehicles. Whether they were on cycle or off cycle, we  
21 don't know, but an indication of the citations issued  
22 by just one of the many police departments out there.

23 So some of the questions, the uncertainty about  
24 the number of unregistered vehicles raises a couple of  
25 questions, and this is something that we've talked

1 about, what is the best measure of Smog Check Program  
2 avoidance, is it registration, is it the Smog Check  
3 itself? How serious is the problem? What are the  
4 benefits, emissions benefits? What do we gain by  
5 improving compliance? What are the reasons for failing  
6 to comply with the registration renewal process? And  
7 of course, what measures can the state implement?

8       Those were the five questions essentially we came  
9 up with, and the first three questions I think we can  
10 answer in part by some of the data we have, especially  
11 when we have five year's worth of Smog Check data and  
12 also the complete vehicle DMV database. At this point  
13 we can determine essentially what number of vehicles  
14 are continuing to stay unregistered. We could possibly  
15 determine the benefit to getting those registered by  
16 taking the average fleet emissions.

17       So part of that we can answer with data, but the  
18 rest of it I think we'd have to go to another survey,  
19 and so what I've suggested in the scope of work on the  
20 next page is that we contract for a company to develop  
21 a questionnaire that's going to gather information, and  
22 not only would they do the data collection, but they'll  
23 also create the survey.

24       And my concern about this particular survey is one  
25 that we're going to be calling people that failed to

1 register their vehicle and say, you know, you've broken  
2 the law and now, you know, why?

3 CHAIR WEISSER: And we're from the government.

4 MR. CARLISLE: Right, and we're here to help.

5 CHAIR WEISSER: Or we're a contractor, but don't  
6 worry?

7 MR. CARLISLE: Right. And so, it brings up some  
8 concerns, but I wanted to submit this to the Committee  
9 for your review and your thought on that.

10 CHAIR WEISSER: Thank you. I think we will accept  
11 this for review and thought. I, frankly, think we're  
12 facing, I mean it's a pretty difficult hurdle.

13 I remember discussions we've had over the priority  
14 for unregistered vehicles in both the highway patrol  
15 and local police departments, and let's just say on a  
16 list of ten, in some areas it's number eleven. It's  
17 just not something that is particularly high on their  
18 list.

19 MR. CARLISLE: Huh-uh.

20 CHAIR WEISSER: If 230,000 vehicles, which I  
21 personally believe is a low end of the spectrum, I  
22 actually believe it's greater, and in certain areas,  
23 particularly lower income communities, anecdotally  
24 we've heard from police officers that, you know, one  
25 out of ten vehicles isn't registered. They just don't

1 care.

2       Although it's built into EMFAC and therefore taken  
3 into account in our demonstration of attainment  
4 programs through the development of the SIP, in terms  
5 of the potential for actual emission reductions by  
6 going after these, you know, it's pretty significant.  
7 I think it's pretty significant.

8       MR. CARLISLE: I might add, the instantaneous, I  
9 mean, that could be six to twelve months, so when you  
10 look at the six percent for that period of time, that's  
11 a significant number of vehicles, I mean.

12       CHAIR WEISSER: I didn't realize that we have such  
13 a nation of scofflaws. And I'm serious, when you have  
14 a society that as a matter of course accepts the notion  
15 of a five or ten percent rate of not abiding by the  
16 law, it sends out a very, very troublesome message to  
17 me.

18       Jude.

19       MEMBER LAMARE: I don't disagree with you about  
20 the problem of scofflaws in our society, especially on  
21 the environmental side, but we don't know how many of  
22 these cars are actually sitting in a garage and are not  
23 being used, and we don't know how many are ill people  
24 or dying people or people who've died and their car  
25 hasn't been -- the family hasn't decided what to do with



1 the car yet. So I think it would be incorrect to  
2 assume that all of the unregistered vehicles are  
3 illegally operating on today's roads.

4 In fact, wasn't that the purpose of the RSD  
5 program in part to identify in-use vehicles that are  
6 high polluters and are not registered? So I think it  
7 might be more efficient and effective to rely on the  
8 RSD program to find those that are in use and not  
9 registered. The purposes, I would see, being fulfilled  
10 in doing this kind of work with a survey is to identify  
11 those that are legitimately not registered and not used  
12 and identify what percentage of the known unregistered  
13 vehicles are actually have a good reason why.

14 CHAIR WEISSER: Jude, thank you for reminding me  
15 to breathe deeply and relax into this role. And I  
16 think your suggestion has some real merit.

17 Robert?

18 MEMBER PEARMAN: But your report says that the  
19 highway patrol issued almost 200,000 citations, so I  
20 presume those were moving vehicles in use, right?

21 MR. CARLISLE: Correct.

22 MEMBER PEARMAN: In terms of just trying to figure  
23 out the age of the unregistered vehicles so you could  
24 maybe extrapolate the emissions losses, couldn't you  
25 use that information from the citations to determine a

1 universe of age and make some calculations?

2 MR. CARLISLE: I don't know if we can get that  
3 information, that might be a little tougher.

4 MEMBER PEARMAN: Because of the police citation?

5 CHAIR WEISSER: It may not have been entered into  
6 a databank and be --

7 MR. CARLISLE: Right.

8 MEMBER PEARMAN: Well, if it's got a license  
9 number, I mean, what's the big deal?

10 CHAIR WEISSER: It may not be in a databank that  
11 we could unleash Jeffrey on.

12 MEMBER PEARMAN: And the second thing is, you  
13 know, you mentioned some of the difficulties of this  
14 type of survey. I presume that there might be a  
15 universe of people who were chronic but then finally  
16 register, so now they're in the good graces of the  
17 government and you could then speak to those people,  
18 that that might be of some value.

19 CHAIR WEISSER: So that would give us some insight  
20 as to why they didn't register back when. I think  
21 you've made some good suggestions in terms of the  
22 possibilities of finding out a little more about this  
23 unregistered problem.

24 MR. CARLISLE: Yeah, because I think there's two  
25 populations here. There's the one instantaneous, and I

1 think that's separate from the chronic. The chronic, I  
2 mean, in either population you could have a vehicle  
3 that was purchased and they never changed registration;  
4 that does happen. Or maybe it was damaged. You know,  
5 it's hard to say what actually happened to these.

6 CHAIR WEISSER: Well, is this worth further  
7 refinement and investigation? Bruce?

8 MEMBER HOTCHKISS: I don't have an answer to your  
9 question, but I'm kind of wondering, you know, with  
10 this 190,000 citations issued by CHP -

11 CHAIR WEISSER: Just the CHP.

12 MEMBER HOTCHKISS: - just the CHP, and given that  
13 it isn't necessarily a high priority, I'm wondering how  
14 many of these vehicles were pulled over for not being  
15 registered and how many were pulled over for something  
16 else and this is what they could issue a citation for,  
17 which would then lead me to believe that there's many,  
18 many, many more out there that, for whatever reason,  
19 all the taillights are working, somebody's not weaving  
20 up the road or whatever, never get pulled over.

21 CHAIR WEISSER: There have been studies done of  
22 vehicles in mall shop parking lots where they've tried  
23 to estimate, you know, how many of those vehicles are -  
24 what did you call it, the six percent versus the one  
25 percent, that kind of thing. There are a lot of

1 | unregistered cars.

2 |       John?

3 |       MEMBER HISSERICH: Well, you know, the difficulty

4 | of doing this survey of calling unlicensed drivers to

5 | ask them why their car is not registered might have

6 | some real data challenges in terms of the responses. I

7 | don't think – I don't know, Janet, I don't know if she

8 | wants to make those calls, but it might be interesting.

9 | I mean, it is interesting. In the big scheme of

10 | things, you know, it may be, if not eleven, nine.

11 |       MR. CARLISLE: Well, I think Bob Pearman had a

12 | good idea in that we find those that have been

13 | delinquent and subsequently registered the vehicle. We

14 | could find those in the dataset that we currently have.

15 | Maybe that's another way to approach it.

16 |       CHAIR WEISSER: Mr. Pearman?

17 |       MEMBER PEARMAN: And a question where the EMFAC

18 | model assumes 99 percent, the other 1 percent, are they

19 | randomly distributed, they reflect the rest of the

20 | vehicle fleet, do you assume they're older vehicles,

21 | any idea about that?

22 |       MR. CARLISLE: I do not, no.

23 |       CHAIR WEISSER: And I see the ARB representative

24 | also unsure, but I'm sure it's the best guess that ARB

25 | could make. They really try to make that model as

1 accurate as possible.

2 MEMBER PEARMAN: Yeah, my thought is in terms of  
3 the importance is, if it is a bigger number than we  
4 have down on paper, if we really can somehow find out  
5 if there's a huge emission loss, then that would  
6 warrant if not us, someone else putting more resource  
7 into trying to get better answers.

8 CHAIR WEISSER: Right. You know, if these tend to  
9 be older cars, 20, 25-year-old cars, putting out 300  
10 pounds of emissions a year compared to 4 pounds or  
11 whatever right of newer cars, that could be  
12 substantial, which is why I have an interest in this.

13 Gosh, where do we go, Rocky, what's your  
14 recommendation?

15 MR. CARLISLE: Well, since we have the data on the  
16 instantaneous, like I say, we have five year's worth of  
17 data, maybe that's where we go first and we look and  
18 see what kind of information we can glean. First of  
19 all, what's the emission lost? I think we have the  
20 data we can do that, and I can discuss that with  
21 Jeffrey. Certainly we wouldn't want to do that here.  
22 But I think we can come up with the average fleet  
23 emissions for a certain fleet of vehicles or population  
24 of vehicles that are delinquent and see if there's  
25 really the necessity (inaudible).

1           CHAIR WEISSER: Is that sufficient? Maybe we  
2 could ask Gideon to take a look at the transcript and  
3 maybe he can make heads or tails out of what we've just  
4 said.

5           Any comments from the members of the public?

6           MR. NOBRIGA: Larry Nobriga, Automotive Service  
7 Councils of California. A couple of questions, and  
8 when you're talking about program avoidance, here we're  
9 talking strictly unregistered vehicles. What about  
10 those that are registered as being garaged somewhere  
11 that is a change of ownership area, but actually  
12 resides in the Central Valley where I live. And I  
13 understand my air is kind of bad, and I know too many  
14 people, I can count them on more than one hand, that  
15 have recreational vehicles, maybe pickup trucks that  
16 they've got registered at a cousin's house or a  
17 vacation home in a change of ownership area where they  
18 never have to be checked, but they actually reside in  
19 an enhanced area and that's where the vehicle is used  
20 on a regular basis. It's just when we're talking about  
21 avoidance, I think the numbers are a lot bigger than  
22 just unregistered.

23           CHAIR WEISSER: Good point. Bruce?

24           MEMBER HOTCHKISS: I would agree with him on that.  
25 One of the things that I've noticed because I've seen a

1 fair number of cars in my own town, but I'm able to  
2 check on and see that they're registered in Humboldt or  
3 something like that. DMV is set up on their website  
4 where you can report an out-of-state car that's being  
5 used in California for an extended period of time, but  
6 you cannot report a California car that's registered in  
7 a change of ownership area, and I don't know if we  
8 could make a suggestion to CHP that they make a change  
9 on the website so that -

10 MEMBER LAMARE: It's CHP?

11 MEMBER HOTCHKISS: It's CHP's website that there's  
12 a spot in there, but you have to pick another state  
13 other than California when you report the vehicle.

14 MR. NOBRIGA: Just to throw another something at  
15 Dr. Williams. You know, from my standpoint, if you  
16 could take a driver's license number and if somebody's  
17 got - because when you register your vehicle you're  
18 supposed to put your driver's license number on it when  
19 you buy it, you know, there might be a point there  
20 where you could take driver's license numbers and find  
21 out if they've got multiple garage areas, if you will.  
22 I don't know.

23 MEMBER LAMARE: Other comments? (Inaudible)

24 MR. PETERS: Yes, Madam Chair, Charlie Peters,  
25 Clean Air Performance Professionals, representing

1 motorists. I'll go back to my subject matter. If you  
2 have a car, California plates, you register at an  
3 address in Nevada, there's no Smog Checks, that does  
4 not mean that the car is in Nevada. Rocky will defend  
5 it to the end, but I'm sorry, it doesn't, and a lot of  
6 people use that that I know, including major business  
7 interests, and I believe that that is potentially a  
8 very significant factor, and I think Jeffrey can  
9 probably -- there's probably a way of chasing some of  
10 that down and doing even a little anecdotal phone  
11 calls, even though those people are cheating and  
12 probably likely to lie, I think that's -- I know that  
13 that's a very significant factor, so I'll bring it back  
14 up again in spite of the fact that I've been told that  
15 I'm dumb and Rocky's here ready to defend it to the  
16 end. He's going to pull out his gun here pretty quick  
17 and take care of me, but that's a problem and it needs  
18 to be looked at.

19 MEMBER LAMARE: Thank you.

20 CHAIR WEISSER: Rocky?

21 MR. CARLISLE: Yeah, I just have one comment.  
22 With the IRP, that is not Rocky's idea, I don't defend  
23 that, that's just a matter of fact, that's a federal  
24 program, and since federal law trumps state we don't  
25 have a whole lot of say-so on that issue.



1           CHAIR WEISSER: Thank you. Are there other  
2 comments from the public? Okay. Do you feel like you  
3 have sufficient direction? Very good. Do you want any  
4 more? Not right now.

5                               - oOo -

6           Rocky, I think that completes the review of the  
7 report topics that we wanted to bring up today; is that  
8 correct?

9           MR. CARLISLE: Yes, it does.

10          CHAIR WEISSER: We then will move into public  
11 comment area. Are there any comments on subjects not  
12 covered that anyone would like to raise with us today?

13          Mr. Peters? And Mr. Peters, you'll note that that  
14 light is yellow. Please disregard it, I'll keep time  
15 by my own watch.

16          MR. PETERS: And I'm supposed to trust you. Okay,  
17 cool. I have a little book here that I went out and -  
18 actually I got no sleep last night and I thought it was  
19 really important to bring this in here and share this  
20 with you, but decided that that probably would be a  
21 waste of my money and time and I'm taking it to the  
22 Legislature instead, because I think there's some  
23 pretty interesting stuff in here, but one of the things  
24 that's in here, since most of this you've already  
25 gotten anyway, or much of it, but there's one in here

1 which is in 1994 and we supplied to the Committee back  
2 before you came on board, Mr. Chairman, and that was  
3 asking some questions about the program and the players  
4 and asking about the possibility of, of doing - of  
5 getting consideration for an agreed-to process to start  
6 finding out if we could make it better, and those were  
7 specific question addressed to the Committee which have  
8 been brought up probably fifty times since then, and  
9 since the public does not matter in this process and  
10 answering their questions is not an issue, since I put  
11 in a list of things to look at for program issues, all  
12 of which were put on the agenda, all of which were  
13 removed other than the issue of scrappage - or excuse  
14 me, smoke.

15 In that suggested the possibility of that there  
16 were newspaper articles from 1980, several of them, and  
17 Panel to Probe Possible Smog Program Misconduct, June  
18 7th, 1980.

19 "Boatwright in his  
20 investigation will touch on the  
21 circumstances of the Hamilton  
22 winning contract, complaints by  
23 motorists, long lines at inspection  
24 stations, ARB and other studies  
25 showing that cars have passed

1 inspections when they should have  
2 failed. Other officials subpoenaed  
3 are ARB Executive Officer Thomas  
4 Austin, Deputy Executive Officer  
5 Gary Reubenstein," et cetera.

6 You know, I think it might be interesting to ask  
7 Mr. Boatwright about what happened at that time with  
8 those two executive officers of Sierra Research who  
9 just got the contract to evaluate this program, who  
10 created the basis for the legislation in '93 which the  
11 Legislature rejected. I could have told you two months  
12 ago that that's where the contract would go.

13 I find this just fascinating, and I have provided  
14 to you the opinion of Dr. Workman, who was on the Board  
15 of the Air Resources Board and how he felt about that  
16 and how he felt about those contracts. So I would  
17 petition the Committee to look further into this  
18 instead of just holding up your hands and yelling  
19 hallelujah and wishing to get all the help here to take  
20 a good look at whether or not this is an appropriate  
21 approach. That, Sierra Research probably does the best  
22 of anybody in the world at writing reports, but they  
23 tend to come up with the same answers virtually always.

24 CHAIR WEISSER: Mr. Peters, you're suggesting that  
25 the Committee do some sort of review of the ARB

1 contract process, is that it, on this contract?

2 MR. PETERS: Yes.

3 CHAIR WEISSER: I think the representative of ARB  
4 have something to say about that.

5 MS. MORROW: Sylvia Morrow with the California Air  
6 Resources Board. I just wanted to go over one thing,  
7 and that we did follow all appropriate contracting  
8 procedures when we did the RFP. You know, we did post  
9 an intent to award for Sierra Research. But just as an  
10 FYI, Sierra Research also is subcontracting with every  
11 other expert in the Smog Check Program field and there  
12 was only one bid that was supplied, so I just wanted to  
13 pass that on.

14 CHAIR WEISSER: Thank you.

15 MEMBER HISSERICH: And just for the record, I  
16 don't think I've ever raised my hand and said  
17 hallelujah about anything, just to be clear.

18 CHAIR WEISSER: Those were Mr. Hisserich's  
19 comments. Okay, are there any other comments? Any  
20 other comments from somebody from the public want to  
21 share with us?

22 Okay. Seeing none, we'll take a motion to adjourn  
23 the meeting. Is there a motion made? Tyrone is making  
24 the motion. It is seconded by Ms. Lamare. Any  
25 discussion? Hearing none, all in favor?

1           IN UNISON:   Aye.

2           CHAIR WEISSER:   Any opposed?   Thank you, the  
3 meeting is adjourned.

4                               **(Meeting Adjourned)**

5                               **- o0o -**

6

7

1 TRANSCRIBER'S CERTIFICATE

2  
3  
4 This is to certify that I, TERRI HARPER,  
5 transcribed the tape-recorded meeting of the California  
6 Inspection & Maintenance Review Committee, dated June  
7 26, 2005; that the pages numbered 1 through 184  
8 constitute said transcript; that the same is a complete  
9 and accurate transcription of the aforesaid to the best  
10 of my ability.

11  
12 Dated July 3, 2005.

13  
14  
15 \_\_\_\_\_  
16 TERRI HARPER, Lead Transcriber  
17 Northern California Court Reporters